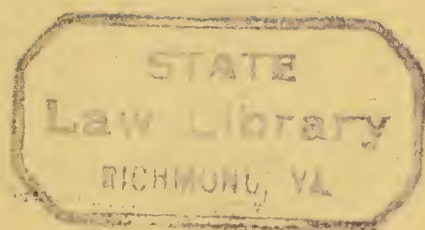


STATE
Law Library
RICHMOND, VA



STATE
Law Library
RICHMOND, VA



THE
ACTS AND RESOLUTIONS,
OF THE
FIRST GENERAL ASSEMBLY,
OF THE
STATE OF FLORIDA:

PASSED AT ITS

FIRST SESSION,

BEGUN AND HELD AT THE CAPITOL IN THE CITY OF TALLAHASSEE, ON
MONDAY, JUNE 23RD, 1845, AND ENDED JULY, 26TH, 1845.

TOGETHER WITH THE

CONSTITUTION OF THE STATE OF FLORIDA,

AND

THE ACT OF CONGRESS ADMITTING THE STATE INTO
THE CONFEDERACY AND UNION.

~~~~~  
PUBLISHED BY AUTHORITY OF LAW:

UNDER THE DIRECTION OF JOSEPH BRANCH, ATTORNEY GENERAL OF THE STATE.  
~~~~~

TALLAHASSEE:

PRINTED BY W. & C. JULIAN BARTLETT.

~~~~~  
1845.

FIRST ANNUAL ASSEMBLY

OF THE

STATE OF ALABAMA.

IN THE

FIRST SESSION.

PRINTED BY THE STATE PRINTER, AT THE STATE HOUSE, MONTGOMERY, ALA., 1865.

THE

LEGISLATIVE OF THE STATE OF ALABAMA.

THE ACT OF CONGRESS, APPROVED THE 22ND MARCH 1865, CHANGING THE NAME OF THE LEGISLATIVE OF THE STATE OF ALABAMA.

THE

LEGISLATIVE OF THE STATE OF ALABAMA, IN THE FIRST ANNUAL ASSEMBLY, 1865.

THE

LEGISLATIVE OF THE STATE OF ALABAMA.

# OFFICERS

## OF THE STATE GOVERNMENT OF THE

### STATE OF FLORIDA.

---

#### EXECUTIVE DEPARTMENT.

- WILLIAM D. MOSELEY**, Governor. Residence Miccasouki Lake, Jefferson county.—  
Address Tallahassee, Leon county Florida.
- JAMES T. ARCHER**, Secretary of State. Residence and address Tallahassee, Fla.
- NATHANIEL P. BEMIS**, Comptroller of Public Accounts. Residence and address Tallahassee, Florida.
- BENJAMIN BIRD**, State Treasurer. Residence and address Tallahassee, Florida.
- OSCAR A. MYERS**, Governor's Secretary. Residence and address Tallahassee, Florida.

#### JUDICIAL DEPARTMENT.

- GEORGE S. HAWKINS**, Judge of Western Circuit, and Justice of the Supreme Court.—  
Residence and address Apalachicola, Franklin county, Florida.
- THOMAS BALTZELL**, Judge of Middle Circuit, and Justice of the Supreme Court.—  
Residence and address Tallahassee, Florida.
- ISAAC H. BRONSON**, Judge of Eastern Circuit and Justice of the Supreme Court.—  
Residence and address St. Augustine, St. Johns county, Fla.
- WILLIAM MARVIN**, Judge of Southern Circuit and Justice of the Supreme Court.—  
Residence and address Key West, Monroe county, Fla.
- JOSEPH BRANCH**, Attorney General and Law Reporter. Residence and address Tallahassee, Florida.
- MARIANO D. PAPY**, Clerk of the Supreme Court. Residence and address Tallahassee.
- JOHN C. SMITH**, Solicitor for Western Circuit.
- T. J. HEIR**, Solicitor for Middle Circuit.
- FELIX LIVINGSTON**, Solicitor for Eastern Circuit.
- R. F. BRANTLY**, Solicitor for Southern Circuit.

#### JUDGES OF PROBATE.

- |                                          |                                           |
|------------------------------------------|-------------------------------------------|
| For St. Johns county: E. B. Gould.       | For Jackson county: Richard H. Long.      |
| For Nassau county: Spicer C. Braddock.   | For Calhoun county: W. W. Steele.         |
| For Duval county: Wm. F. Crabtree.       | For Wakulla county: John G. Park.         |
| For Alachua county: Lewis Aldrich.       | For Franklin county: Patrick C. Kain.     |
| For Marion county: John M. McIntosh.     | For Washington county: Washington Tabor.  |
| For Benton county: Isaac Garrason.       | For Walton county: Daniel McLeod.         |
| For Levy county: Thomas E. Brown.        | For Santa Rosa county: Timothy Twitchell. |
| For Columbia county: Robert Barrow.      | For Escambia county: Charles Evans.       |
| For Madison County: Alexander McDonald.  | For Hillsborough county: John B. Allen.   |
| For Hamilton county: Joshua H. Roberts.  | For Orange county: Henry A. Crane.        |
| For Jefferson county: Thomas J. Chase.   | For St. Lucie county: John S. Hermans.    |
| For Leon county: James E. Broome.        | For Monroe county: *A. Gordon.            |
| For Gadsden county: *James M. Gilchrist. | For Dade county: *A. F. Woods.            |

Those marked with an asterick (\*) have been appointed by the Governor since the adjournment of the General Assembly.

## OFFICE

OF THE STATE GOVERNMENT OF THE

STATE OF TEXAS

COMMISSIONER

OF THE LAND OFFICE

The following is a list of the lands owned by the State of Texas, and the names of the owners thereof, as far as the same can be ascertained from the records of the Land Office.

The lands are divided into two classes, viz: lands owned by the State of Texas, and lands owned by the United States.

The lands owned by the State of Texas are divided into two classes, viz: lands owned by the State of Texas, and lands owned by the United States.

The lands owned by the United States are divided into two classes, viz: lands owned by the United States, and lands owned by the State of Texas.

The lands owned by the State of Texas are divided into two classes, viz: lands owned by the State of Texas, and lands owned by the United States.

The lands owned by the United States are divided into two classes, viz: lands owned by the United States, and lands owned by the State of Texas.

The lands owned by the State of Texas are divided into two classes, viz: lands owned by the State of Texas, and lands owned by the United States.

The lands owned by the United States are divided into two classes, viz: lands owned by the United States, and lands owned by the State of Texas.

The lands owned by the State of Texas are divided into two classes, viz: lands owned by the State of Texas, and lands owned by the United States.

The lands owned by the United States are divided into two classes, viz: lands owned by the United States, and lands owned by the State of Texas.

The lands owned by the State of Texas are divided into two classes, viz: lands owned by the State of Texas, and lands owned by the United States.

The lands owned by the United States are divided into two classes, viz: lands owned by the United States, and lands owned by the State of Texas.

The lands owned by the State of Texas are divided into two classes, viz: lands owned by the State of Texas, and lands owned by the United States.

# CONSTITUTION

## OR

# FORM OF GOVERNMENT,

## FOR THE

# PEOPLE OF FLORIDA.

~~~~~

WE, the people of the Territory of Florida, by our delegates in convention assembled at the city of Saint Joseph, on Monday, the third day of December, A. D. 1838, and of the independence of the United States the sixty-third year, having and claiming the right of admission into the Union, as one of the United States of America, consistent with the principles of the federal constitution, and by virtue of the treaty of amity, settlement, and limits between the United States of America and the king of Spain, ceding the provinces of East and West Florida to the United States; in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property, and the pursuit of happiness, do mutually agree, each with the other, to form ourselves into a free and independent State, by the name of the State of Florida.

ARTICLE I.

Declaration of Rights.

That the great and essential principles of liberty and free government, may be recognised and established; we declare:

1. That all freemen, when they form a social compact, are equal; and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation; and of pursuing their own happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and established for their benefit; and therefore, they have at all times, an inalienable and indefeasible right, to alter or abolish their form of government, in such manner as they may deem expedient.

3. That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience; and that no preference shall ever be given by law to any religious establishment, or mode of worship, in this State.

4. That all elections shall be free and equal; and that no prop-

1845.

- No property qualifications. erty qualification for eligibility to office, or for the right of suffrage, shall ever be required in this State.
- Freedom of speech & press. 5. That every citizen may freely speak, write and publish his sentiments, on all subjects being, responsible for the abuse of that liberty; and no law shall ever be passed to curtail, abridge, or restrain the liberty of speech, or of the press.
- Trial by Jury. 6. That the right of trial by jury, shall forever remain inviolate.
- Unreasonable searches. 7. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.
- No freeman taken, &c., but by law of land. 8. That no freeman shall be taken, imprisoned or disseized of his freehold, liberties, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.
- Redress for injuries. 9. That all courts shall be open, and every person for an injury done him, in his lands, goods, person, or reputation, shall have remedy by due course of law; and right and justice, administered, without sale, denial, or delay.
- Rights of the accused. 10. That, in all criminal prosecutions, the accused hath a right to be heard, by himself or counsel, or both; to demand the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment, or presentment, a speedy and public trial, by an impartial jury of the county or district where the offence was committed; and shall not be compelled to give evidence against himself.
- Bailable offences. 11. That all persons shall be bailable, by sufficient securities, unless in capital offences, where the proof is evident or the presumption strong; and the privilege of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.
- Habeas corpus. 12. That excessive bail shall in no case be required; nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.
- Of bails, fines, &c. 13. That no person shall, for the same offence, be twice put in jeopardy of life or limb.
- Jeopardy for same offence. 14. That private property shall not be taken or applied to public use, unless just compensation be made therefore,
- Private prop'ty. 15. That, in all prosecutions and indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the libel is true, and published with good motives, and for justifiable ends, the truth shall be a justification; and the jury shall be the judges of the law and facts.
- Truth may be given in evidence. 16. That no person shall be put to answer any criminal charge but by presentment, indictment, or impeachment.
- Criminal charges.

1845.

17. That no conviction shall work corruption of blood or for-
feiture of estate. Cor'n of blood.

18. That retrospective laws, punishing acts committed before
the existence of such laws, and by them only declared penal or
criminal, are oppressive, unjust, and incompatible with liberty;
wherefore, no *ex post facto* law shall ever be made. Expost facto laws.

19. That no law impairing the obligation of contracts shall ever
be passed. Contracts.

20. That the people have a right, in a peaceable manner, to
assemble together to consult for the common good; and to apply
to those invested with the powers of government for redress of griev-
ances, or other proper purposes; by petition, address, or remon-
strance. Right of petition

21. That the free white men of this State shall have a right to
keep and to bear arms for their common defence. Right to bear arms.

22. That no soldier, in time of peace, shall be quartered in any
house, without the consent of the owner; nor in time of war, but in
a manner prescribed by law. No soldier to be quartered, &c.

23. That no standing army shall be kept up without the consent
of the legislature; and the military shall, in all cases, and at all
times, be in strict subordination to the civil power. Standing army and military.

24. That perpetuities and monopolies are contrary to the gen-
us of a free State, and ought not to be allowed. Perpetuities & monopolies.

25. That no hereditary emoluments, privileges, or honors shall
ever be granted, or conferred in this State. Hereditary privileges.

26. That frequent recurrence to fundamental principles, is ab-
solutely necessary, to preserve the blessings of liberty. Fundamental principles.

27. That, to guard against transgressions upon the rights of the
people we declare, that everything in this article, is excepted out
of the general powers of government, and shall forever remain in-
volute; and that all laws contrary thereto, or to the following pro-
visions, shall be void. Rights herein inviolate.

ARTICLE II.

Distribution of the powers of government.

1. The powers of the government of the State of Florida, shall
be divided into three distinct departments, and each of them con-
fided to a separate body of magistracy, to wit: Those which are
legislative, to one; those which are executive, to another; and
those which are judicial to another. Three depart-ments of Gov-ernment.

2. No person, or collection of persons, being of one of those de-
partments, shall exercise any power properly belonging to either
of the others, except in the instances expressly provided in this
constitution. Powers to be kept separate.

ARTICLE III.

Executive Department.

1. The supreme executive power, shall be vested in a chief
magistrate; who shall be styled the Governor of the State of
Florida. Governor.

1845.

- How and when elected. 2. The governor shall be elected for four years, by the qualified electors at the time and place where they shall vote for representatives; and shall remain in office until a successor be chosen and qualified; and shall not be eligible to re-election, until the expiration of four years thereafter.
- Term of office.
- Qualifications of Governor. 3. No person shall be eligible to the office of governor, unless he shall have attained the age of thirty years, shall have been a citizen of the United States ten years, or an inhabitant of Florida at the time of the adoption of this constitution, (being a citizen of the United States); and shall have been a resident of Florida, at least five years next preceding the day of election.
- Returns of elections. 4. The returns of every election for governor, shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives; who shall, during the first week of the session, open and publish them in the presence of both houses of the General Assembly; and the person having the highest number of votes, shall be governor; but, if two or more shall be equal, and highest in votes, one of them shall be chosen governor, by the joint vote of the two houses; and contested elections for governor, shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.
- Who elected.
- Contested election.
- Compensation. 5. He shall at stated times, receive a compensation for his services, which shall not be increased, or diminished, during the term for which he shall have been elected.
- Commander in Chief. 6. He shall be commander-in-chief of the army, and navy of this State, and of the militia thereof.
- May require information, &c. 7. He may require information in writing from the officers of the executive department, on any subject relating to the duties of their respective offices.
- When may convene Gen. Ass'y. 8. He may by proclamation, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that shall have become dangerous from an enemy, or from disease; and in case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such time, as he shall think proper, not beyond the day of the next meeting designated by this constitution.
- When adjourn Gen. Ass'y.
- Shall give information, &c., to Gen. Ass'y. 9. He shall from time to time, give to the General Assembly, information of the state of the government, and recommend to their consideration, such measures as he may deem expedient.
- Enforce laws. 10. He shall take care that the laws be faithfully executed.
- Pardons, rc., pries, &c. 11. In all criminal and penal cases, (except of treason and impeachment) after conviction, he shall have power to grant reprieves and pardons, and remit fines and forfeitures under such rules and regulations, as shall be prescribed by law: and in cases of treason, he shall have power by and with the advice and consent of the Senate, to grant reprieves and pardons; and

pardons; and he may, in the recess of the senate, respite the sentence, until the end of the next session of the General Assembly.

12. There shall be a seal of the State, which shall be kept by the governor, and used by him officially, with such device as the governor first elected, may direct, and the present seal of the Territory shall be the seal of the State, until otherwise directed by the General Assembly.

Seal of State.

Commissions.

13. All commissions shall be in the name, and by the authority of the State of Florida, be sealed with the State seal and signed by the governor, and attested by the secretary of state.

14. There shall be a secretary of state appointed by joint vote of both houses of the General Assembly, who shall continue in office during the term of four years; and, he shall keep a fair register, of the official acts and proceedings of the governor, and shall, when required, lay the same and all papers, minutes, and vouchers, relative thereto, before the General Assembly, and shall perform such other duties as may be required of him by law.

Sec. of State.

Vacancies.

15. Vacancies that happen in offices, the appointment to which, is vested in the General Assembly, or given to the governor, with the advice and consent of the senate, shall be filled by the governor during the recess of the General Assembly, by granting commissions, which shall expire at the end of the next session.

16. Every bill which shall have passed both houses of the General Assembly, shall be presented to the governor, if he approve, he shall sign it, but if not, he shall return it with his objections to the house, in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; and if, after such reconsideration, a majority of the whole number elected to that house, shall agree to pass the bill, it shall be sent with the objections to the other house, by which, it shall likewise be reconsidered; and if approved by a majority of the whole number elected to that house, it shall become a law: but in such cases, the votes of both houses, shall be by yeas and nays, and the names of the members voting for or against the bill, shall be entered on the journals of each house respectively: and if any bill shall not be returned by the governor, within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it; unless the General Assembly by their adjournment, prevent its return, in which case, it shall not be a law.

Veto of Govern

17. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on questions of adjournment, shall be presented to the governor, and, before it shall take effect, be approved by him, or being disapproved, be repassed by both houses, according to the rules and limitations prescribed in case of a bill.

Orders, resolutions and votes.

18. In case of the impeachment of the governor, his removal

1845.

from office, death, refusal to qualify, resignation, or absence from the State, the president of the senate shall exercise all the power and authority, appertaining to the office of governor, during the term for which the governor was elected; unless the General Assembly, shall provide by law for the election of a governor, to fill such vacancy; or, until the governor absent or impeached shall return or be acquitted.

19. If, during the vacancy of the office of governor, the president of the senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the speaker of the house of representatives, shall in like manner, administer the government.

20. The president of the senate, or speaker of the house of representatives, during the time he administers the government, shall receive the same compensation, which the governor would have received.

21. The governor shall always reside, during the sessions of the General Assembly, at the place where their sessions are held, and at all other times wherever, in their opinion, the public good may require.

22. No person shall hold the office of governor and any other office, or commission, civil or military, either in this State, or under any State, or the United States, or any other power at one and the same time, except the president of the senate, or the speaker of the house of representatives, when he shall hold the office as aforesaid.

23. A State treasurer and comptroller of public accounts, shall be elected by joint vote of both houses of the General Assembly, at each regular session thereof.

ARTICLE IV.

Legislative Department.

1. The Legislative power of this State, shall be vested in two distinct branches, the one to be styled the Senate, the other the House of Representatives, and both together "the General Assembly of the State of Florida;" and the style of the laws shall be, "Be it enacted by the senate and house of representatives of the State of Florida in General Assembly convened."

2. The members of the house of representatives, shall be chosen by the qualified voters, and shall serve for the term of one year, from the day of the commencement of the general election and no longer, and the sessions of the General Assembly, shall be annual, and commence on the fourth Monday in November in each year, or at such other time, as may be prescribed by law.

3. The representatives shall be chosen every year, on the first Monday in the month of October, until otherwise directed by law.

4. No person shall be a representative, unless he be a white man, a citizen of the United States, and shall have been an in-

habitant of the State, two years next preceding his election, and the last year thereof, a resident of the county for which he shall be chosen, and shall have attained the age of twenty-one years.

5. The senators shall be chosen by the qualified electors, for the term of two years, at the same time, in the same manner, and in the same places, where they vote for members of the house of representatives; and no man shall be a senator, unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State, two years next preceding his election, and the last year thereof, a resident of the district or county, for which he shall be chosen, and shall have attained the age of twenty-five years.

6. The senators after their first election, shall be divided by lot, into two classes, and the seats of the senators of the first class, shall be vacated at the expiration of the first year, and of the second class, at the expiration of the second year, so that one half thereof, as near as possible, may be chosen forever thereafter, annually for the term of two years.

7. The house of representatives, when assembled, shall choose a speaker, and its other officers, and the senate, a president, and its other officers, and each house shall be judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner, as shall be directed by law.

8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

9. Each house may determine the rules of its own proceedings, punish its members for disorderly behaviour, and with the consent of two-thirds expel a member, but not a second time for the same cause.

10. Each house, during the session, may punish by imprisonment, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, provided such imprisonment shall not extend beyond the end of the session.

11. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after its adjournment, and the yeas and nays of the members of each house shall be taken and entered upon the journals, upon the final passage of every bill, and may, by any two members, be required upon any other question, and any member of either house, shall have liberty to dissent from, or protest against, any act or resolution, which he may think injurious to the public, or an individual, and have the reason of his dissent, entered on the journal.

12. Senators and representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest,

1845.

- Freedom of debate. during the session of the General Assembly, and in going to, or returning from the same, allowing one day for every twenty miles, such member may reside from the place, at which the General Assembly is convened; and for any speech or debate in either house, they shall not be questioned in any other place.
- Vacancies. 13. The General Assembly shall make provision by law, for filling vacancies, that may occur, in either house, by the death, resignation, (or otherwise,) of any of its members.
- Doors to be open. 14. The doors of each house, shall be open, except on such occasions, as in the opinion of the house, the public safety may imperiously require secrecy.
- Adjournment restricted. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that in which they may be sitting.
- Either House may originate Bills. Number of readings. 16. Bills may originate in either house of the General Assembly, and all bills passed by one house, may be discussed, amended, or rejected, by the other; but no bill shall have the force of law, until on three several days, it be read in each house, and free discussion be allowed thereon, unless in cases of urgency four fifths of the house, in which the same shall be depending, may deem it expedient to dispense with the rule; and every bill having passed both houses, shall be signed by the speaker, and president, of their respective houses.
- How signed.
- Compensation of Members. 17. Each member of the General Assembly, shall receive from the public treasury, such compensation for his services, as may be fixed by law, but no increase of compensation shall take effect, during the term, for which the representatives were elected, when such law passed.
- Number of Representatives. 18. The number of members of the house of representatives, shall never exceed sixty.

ARTICLE V.

Judicial department.

- Judicial power, how vested. 1. The judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, courts of chancery, circuit courts, and justices of the peace; provided, the General Assembly, may also vest such criminal jurisdiction, as may be deemed necessary in corporation courts; but such jurisdiction shall not extend to capital offences.
- Supreme Court jurisdiction. 2. The supreme court, except in cases otherwise directed in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations, not repugnant to this constitution, as may from time to time, be prescribed by law; provided, that the said court shall always have power, to issue writs of *injunction*, *mandamus*, *quo warranto*, *habeas corpus*, and such other remedial and original writs, as may be necessary to give it a general superintendence and control of all other courts.
3. For the term of five years from the election of the judges of the circuit courts, and thereafter, until the General As-

sembly shall otherwise provide, the powers of the supreme court shall be vested in, and its duties performed by, the judges of the several circuit courts within this State, and they, or a majority of them, shall hold such sessions of the supreme court, and at such times, as may be directed by law. Judges of Supreme court.

4. The supreme court when organized, shall be holden at such times and places, as may be provided by law. When & where holden.

5. The State shall be divided into at least four convenient circuits, and until other circuits shall be provided for by the General Assembly, the arrangement of the circuits shall be the western, middle, eastern, and southern circuits, and for each circuit there shall be appointed a judge, who shall, after his appointment, reside in the circuit for which he has been appointed, and shall, at stated times, receive for his services, a salary of not less than two thousand dollars per annum, which shall not be diminished during the continuance of such judge in office; but the judges shall receive no fees, or perquisites of office, nor hold any other office of profit under the State, the United States, or any other power. Circuit Courts. Judges of.

6. The circuit courts shall have original jurisdiction, in all matters, civil and criminal, within this State, not otherwise excepted in this constitution. Jurisdiction of Circuit Courts.

7. A circuit court, shall be held in such counties, and at such times, and places therein, as may be prescribed by law; and the judges of the several circuit courts, may hold courts for each other, and shall do so when directed by law. When & where Circuit Courts held.

8. The General Assembly shall have power to establish and organize a separate court or courts of original equity jurisdiction; but, until such court or courts shall be established and organized, the circuit courts shall exercise such jurisdiction. Courts of equity

9. The General Assembly shall provide by law, for the appointment in each county, of an officer to take probate of wills, to grant letters testamentary, of administration, and guardianship; to attend to the settlement of the estates of decedents, and of minors, and to discharge the duties usually pertaining to courts of ordinary, subject to the direction, and supervision of the courts of chancery, as may be provided by law. Court of Probates.

10. A competent number of justices of the peace shall be, from time to time, appointed or elected, in and for each county, in such mode, and for such term of office, as the General Assembly may direct, and shall possess such jurisdiction, as may be prescribed by law; and in cases tried before a justice of the peace, the right of appeal shall be secured, under such rules and regulations, as may be prescribed by law. Justices of the Peace.

11. Justices of the supreme court, chancellors, and judges of the circuit courts, shall be elected by the concurrent vote, of the majority of both houses of the General Assembly. Judges, &c., ma-how elected.

12. The judges of the circuit courts shall at the first session of the General Assembly, to be holden under this constitution, be elected for the term of five years, and shall hold their offices for that

1845.

Term of office of Judges of Supreme and Circuit Courts. term, unless sooner removed under the provisions made in this constitution, for removal of judges, by address or impeachment; and at the expiration of five years, the justices of the supreme court; and the judges of the circuit courts, shall be elected for the term of and during their good behavior; and for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of two-thirds of each house of the General Assembly; provided however, that the cause or causes shall be stated at length in such address, and entered on the journals of each house; and provided further, that the cause or causes, shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing, in his own defence, before any vote for such address shall pass and in such cases, the vote shall be taken, by yeas and nays and entered on the journals of each house respectively.

How removed.

Elections of Clerks of the Courts. 13. The clerk of the supreme court and the clerks of the courts of chancery, shall be elected by the General Assembly; and the clerks of the circuit courts shall be elected by the qualified electors in such mode as may be prescribed by law.

Judges conservators of the peace. 14. The justices of the supreme court, chancellors, and judges of the circuit courts, shall, by virtue of their offices, be conservators of the peace, throughout the State; and justices of the peace, in their respective counties.

Style of process —indictments. 15. The style of all process shall be, "the State of Florida," and all criminal prosecutions shall be carried on in the name of the State of Florida; and all indictments shall conclude, "against the peace and dignity of the same."

Attorney General. 16. There shall be an attorney general for the State, who shall reside at the seat of government. It shall be his duty to attend all sessions of the General Assembly, and upon the passage of any act, to draught and submit, to the General Assembly, at the same session, all necessary forms of proceedings under such laws, which when approved, shall be published therewith, and, he shall perform such other duties, as may be prescribed by law. He shall be elected by joint vote of the two houses of the General Assembly, and shall hold his office for four years; but may be removed by the governor, on the address of two thirds of the two houses of the General Assembly, and shall receive for his services, a compensation to be fixed by law.

Solicitors. 17. There shall be one solicitor for each circuit, who shall reside therein, to be elected by the joint vote of the General Assembly, who shall hold his office for the term of four years; and shall receive for his services, a compensation to be fixed by law.

When Justices of Supreme Court is not to sit, &c. 18. No justice of the supreme court, shall sit as judge or take part in the appellate court on the trial or hearing of any case, which shall have been decided by him in the court below.

Board of County Commissioners. 19. The General Assembly shall have power to establish in each county, a board of commissioners, for the regulation of the county business therein.

20. No duty not judicial, shall be imposed by law, upon the justices of the supreme court, chancellors, or the judges of the circuit courts of this state.

ARTICLE VI.

The right of suffrage and qualifications of officers ; civil offices ; and impeachments, and removals from office.

1. Every free white male person of the age of twenty one years and upwards, and who shall be at the time of offering to vote, a citizen of the United States ; and who shall have resided, and had his habitation, domicil, home and place of permanent abode in Florida, for two years next preceding the election at which he shall offer to vote, and who shall have at such time, and for six months immediately preceding said time, shall have had his habitation, domicil, home, and place of permanent abode in the county, in which he may offer to vote, and who shall be enrolled in the militia thereof, (unless by law exempted from serving in the militia) shall be deemed a qualified elector, at all elections under this constitution ; and none others except in elections by general ticket in the state or district prescribed by law in which cases the elector must have been a resident of the State ten years next preceding the election, and six months, within the election district in which he offers to vote ; provided, that no soldier, seaman, or marine in the regular army, or navy of the United States, unless he be a qualified elector of the State previous to his enlistment, as such soldier, seaman or marine in the regular army or navy of the United States or of the revenue service, shall be considered a resident of the State, in consequence of being stationed within the same.

2. The General Assembly, shall at its first session, provide for the registration of all the qualified electors in each county ; and thereafter from time to time, of all who may become such qualified electors.

3. No president, director, cashier, or other officer of any banking company in this State, shall be eligible to the office of Governor, Senator, or Representative to the General Assembly of this State, so long as he shall be such president, director, cashier or other officer, nor until the lapse of twelve months, from the time at which he shall have ceased to be such president, director, cashier, or other officer.

4. The General Assembly shall have power, to exclude from every office of honor, trust, or profit, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, or other infamous crime.

5. No person shall be capable of holding, or of being elected to any post of honor, profit, trust or emoluments civil or military, legislative, executive, or judicial, under the government of this State, who shall hereafter fight a duel, or send, or except a challenge to fight a duel, the probable issue of which may be the death of the challenger, or challenged, or who shall be a second to either party, or who shall in any manner aid, or assist in such duel, or shall be

1845.

knowingly the bearer of such challenge, or acceptance, whether the same occur, or be committed in or out of the State.

Defaulters.

6. No person who may hereafter be a collector, or holder of public moneys, shall have a seat in either house of the General Assembly, or be eligible to any office of trust, or profit, under this State, until he shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

Who not to take fees, &c., when State is a party.

7. No governor, member of Congress, or of the General Assembly of this State, shall receive a fee, be engaged as counsel, agent, or attorney, in any civil case or claim against this State, or to which this State shall be a party, during the time he shall remain in office.

Governor, &c., when eligible to any other office.

8. No governor, justice of the supreme court, chancellor, or judge in this State, shall be eligible to election, or appointment, to any other and different station, or office, or post of honor, or emolument, under this State, or to the station of Senator, or Representative in Congress of the United States, from this State until one year, after he shall have ceased to be such governor, justice, chancellor, or judge.

9. No senator or representative, shall, during the term for which he shall have been elected, be appointed to any civil office of profit, under this State, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices, as may be filled by elections by the people.

Minister of gospel.

10. No minister of the gospel, shall be eligible to the office of governor, senator, or member of the house of representatives of this State.

Oath of officers.

11. Members of the General Assembly, and all officers civil and military, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I —, do swear or affirm, that I am duly qualified, according to the constitution of this State, to exercise the office, to which I have been elected (or appointed,) and will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the constitution of this State, and of the United States."

12. Every person shall be disqualified from serving as governor, senator, representative, or from holding any other office of honor, or profit, in this State, for the term for which he shall have been elected, who shall have been convicted of having given, or offered any bribe to procure his election.

Bribery. Effect of conviction of Bribery, &c.

13. Laws shall be made by the General Assembly, to exclude from office, and from suffrage, those who shall have been or may thereafter be convicted of bribery, perjury, forgery, or other high crime, or misdemeanor; and the privilege of suffrage shall be supported by laws, regulating elections, and prohibiting under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

Suffrage (to be) protected.

14. All civil officers of the State at large, shall reside within the State, and all district or county officers within their respective dis-

tricts, or counties, and shall keep their respective offices at such places therein, as may be required by law. Residence of officers.

15. It shall be the duty of the General Assembly to regulate by law, in what cases, and what deduction from the salaries of public officers, shall be made, for neglect of duty in their official capacity. Deduction from salaries, &c.

16. Returns of elections for members of Congress, and the General Assembly, shall be made to the secretary of state, in manner to be prescribed by law. Returns of election.

17. In all elections by the General Assembly, the vote shall be *viva voce* and in all elections by the people, the vote shall be by ballot. Manner of voting.

18. No member of Congress, or person holding, or exercising any office of profit under the United States, or under any foreign power, shall be eligible as a member of the General Assembly of this State, or hold or exercise any office of profit under the State; and no person in this State shall ever hold two offices of profit, at the same time, except the office of justice of the peace, notary public, constable, and militia offices. No person shall hold two offices.

19. The General Assembly shall by law provide, for the appointment, or election, and the removal from office, of all officers, civil and military, in this State, not provided for, in this constitution. Appointments and removals.

20. The power of impeachment, shall be vested in the house of representatives. Impeachment.

21. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath, or affirmation; and no person shall be convicted, without the concurrence of two thirds of the members present. How tried.

22. The governor and all civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this State; but the parties, shall nevertheless be liable to indictment, trial, and punishment according to law. For what, &c. effect of judgment, &c. party liable to indictment.

ARTICLE VII.

Militia.

1. All militia officers shall be elected by the persons subject to military duty within the bounds of their several companies, battalions, regiments, brigades, and divisions, under such rules and regulations, as the General Assembly may, from time to time, direct and establish. Election of officers.

2. The governor shall appoint all the officers of the executive, shall, except the adjutant general, and paymaster general, who shall be appointed by the governor, by, and with the advice and consent of the senate. The majors general, and brigadiers general, and commanding officers of regiments, shall appoint such staff officers, as may be prescribed by law; provided, no person shall Executive staff Adjutant Gen. Pay Master General. Staff Officers.

1845.

be eligible to any staff appointment, unless he hold a commission in the line.

ARTICLE VIII.

Taxation and Revenue.

Tax to be uniform. 1. The General Assembly shall devise and adopt a system of revenue, having regard to an equal and uniform mode of taxation, to be general throughout the State.

Amount of tax. 2. No other or greater amount of tax, or revenue, shall at any time be levied, than may be required for the necessary expenses of government.

Money how drawn from treasury. Receipts and expenditures to be published. 3. No money shall be drawn from the Treasury, but in consequence of an appropriation by law; and a regular statement of the receipts, and the expenditures of all public moneys, shall be published and promulgated annually with the laws of the General Assembly.

County and corporation tax. 4. The General Assembly shall have power, to authorize the several counties, and incorporated towns, in this State, to impose taxes for county and corporation purposes, respectively; and all property shall be taxed upon the principles, established in regard to State taxation.

ARTICLE IX.

Census and apportionment of representation.

Apportionment of Representation when and how made. 1. The General Assembly shall, in the year one thousand eight hundred and forty-five, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State, and to the whole number of free white inhabitants, shall be added three-fifths of the number of slaves, and they shall then proceed to apportion the representation, equally among the different counties, according to such enumeration, giving however one representative to every county, and increasing the number of representatives on a uniform ratio of population, according to the foregoing basis, and which ratio, shall not be changed until a new census shall have been taken.

Number of representatives. 2. The General Assembly shall also, after every such enumeration, proceed to fix by law the number of senators which shall constitute the senate of the State of Florida, and which shall never be less than one-fourth, nor more than one half of the whole number of the house of representatives; and they shall lay off the State into the same number of senatorial districts, as nearly equal in the number of inhabitants as may be, according to the ratio of representation established in the preceding section, each of which districts shall be entitled to one senator.

How formed. 3. When any senatorial district shall be composed of two or more counties, the counties of which such district consists, shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

4. No new county shall be entitled to separate representation, until its population equal the ratio of representation then existing;

nor shall any county be reduced in population by division, below the existing ratio. New counties.

5. Until the apportionment of representation by the General Assembly, as directed in the foregoing section, the several counties, shall be entitled to the following representatives, viz: Escambia three; Walton one; Washington one; Jackson three; Franklin two; Calhoun two; Gadsden four; Leon six; Jefferson three; Madison one; Hamilton one; Columbia two; Alachua two; Duval two; Nassau one; St. John's three; Mosquito one; Dade one; Monroe one; Hillsborough one. And until the apportionment of senators under the census as aforesaid, there shall be sixteen senatorial districts in this State, which shall be as follows:

Present apportionment of representatives.

Senatorial Districts.

The county of Escambia shall compose the first district.

The counties of Walton and Washington shall compose the second district.

The county of Jackson, shall compose the third district.

The county of Calhoun, shall compose the fourth district.

The county of Franklin, shall compose the fifth district.

The county of Gadsden shall compose the sixth district.

The county of Leon shall compose the seventh district.

The county of Jefferson shall compose the eighth district.

The county of Madison shall compose the ninth district.

The county of Hamilton shall compose the tenth district.

The county of Columbia shall compose the eleventh district.

The county of Alachua shall compose the twelfth district.

The county of Duval, shall compose the thirteenth district.

The county of Nassau shall compose the fourteenth district.

The counties of St. John's and Mosquito, shall compose the fifteenth district.

The counties of Dade, Monroe, and Hillsborough, shall compose the sixteenth district.

And each senatorial district shall elect one senator, and the seventh district shall be entitled to two. Number of senators.

ARTICLE X.

Education.

1. The proceeds of all lands that have been, or may hereafter be granted by the United States, for the use of schools and a seminary or seminaries of learning, shall be and remain a perpetual fund, the interest of which together with all moneys derived from any other source applicable to the same object, shall be inviolably appropriated to the use of schools and seminaries of learning respectively, and to no other purpose. School & seminary lands.

2. The General Assembly shall take such measures as may be necessary to preserve from waste or damage, all land so granted and appropriated to the purposes of education. Preservation of.

ARTICLE XI.

Public domain and internal improvements.

1. It shall be the duty of the General Assembly to provide for the prevention of waste and damage of the public lands now possessed by the State. Lands belong'g to State.

1845.

sed, or that may hereafter be ceded to the Territory or State of Florida, and it may pass laws for the sale of any part or portion thereof, and in such case provide for the safety, security and appropriation of the proceeds.

Internal improvement.

2. A liberal system of internal improvements being essential to the developement of the resources of the country, shall be encouraged by the government of this State, and it shall be the duty of the General Assembly, as soon as practicable, to ascertain by law, proper objects of improvement in relation to roads, canals, and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements.

ARTICLE XII.

Boundaries.

Boundaries.

1. The jurisdiction of the State of Florida, shall extend over the Territories of East and West Florida, which by the treaty of amity, settlement, and limits between the United States and his Catholic Majesty, on the 22d day of February, A. D. 1819, were ceded to the United States.

ARTICLE XIII.

Banks and other corporations.

Incorporation of churches &c.

1. The General Assembly shall pass a general law, for the incorporation of all such churches, and religious, or other societies, as may accept thereof; but no special act of incorporation thereof, shall be passed.

Passage and alteration of acts of incorporation.

2. The General Assembly shall pass no act of incorporation, or make any alteration therein, unless with the assent of at least two-thirds of each house and unless public notice in one or more newspapers in the State, shall have been given, for at least three months immediately preceding the session at which the same may be applied for.

Composed of what number of persons.

3. No banking corporation shall be created or continue, which is composed of a less number than twenty individuals, a majority of whom at least shall be residents of the State; and no other corporation shall be created or continue, composed of a less number than ten, of whom at least five shall be residents of this State.

Duration.

4. No bank charter or any act of incorporation granting exclusive privileges, shall be granted for a longer period than twenty years; and no bank charter shall ever be extended or renewed.

Bank charters.

5. The charters of banks granted by the General Assembly, shall restrict such banks to the business of exchange, discount and deposit; and they shall not speculate, or deal in real estate, or the stock of other corporations or associations, or in merchandise or chattels, or be concerned in insurance, manufacturing, exportation or importation, except of bullion or specie; shall not act as trustee in anywise, nor shall they own real estate or chattels, except such as shall be necessary for their actual use in the transaction of business, or which may be pledged as further security, or

received towards, or in satisfaction of previously contracted debts, or purchased at legal sales, to satisfy such debts; of which they shall be required to make sale within two years after the acquisition thereof.

6. The capital stock of any bank, shall not be less than one hundred thousand dollars, and shall be created only by the actual payment of specie therein; and no bank shall borrow money to create or add to its capital, or to conduct its business, and no loans shall be made on stock. Capital stock.

7. All liabilities of such banks, shall be payable in specie, and the aggregate of the liabilities and issues of a bank, shall at no time exceed double the amount of its capital stock paid in. Liabilities to be paid in specie.

8. No bank shall make a note or security of any kind, for a smaller sum than five dollars; and the General Assembly may increase such restriction to twenty dollars. Not to issue notes under five dollars.

9. No dividends of profits exceeding ten per centum per annum on the capital stock paid in, shall be made, but all profits over ten per centum per annum, shall be set apart and retained as a safety fund. Dividends.

10. Stockholders in a bank, when an act of forfeiture of its charter is committed, or when it is dissolved or expires, shall be individually, and severally liable for the payment of all its debts, in proportion to the stock owned by each. Stock holder individually liable.

11. Banks shall be open to inspection, under such regulations as may be prescribed by law; and it shall be the duty of the governor to appoint a person or persons, not connected in any manner with any bank in the State, to examine at least once a year into their state and condition; and the officers of every bank shall make quarterly returns to the Governor, of its state and condition, and the names of the stockholders, and shares held by each. Examination.

12. *Non user* for the space of one year, or any act of a corporation, or those having the control and management thereof or intrusted therewith, inconsistent with, or in violation of the provisions of this constitution, or of its charter, shall cause its forfeiture; and the general Assembly shall by general law, provide a summary process for the sequestration of its effects and assets, the appointment of officers to settle its affairs, and no forfeited character shall be restored. The foregoing provisions shall not be construed, to prevent the General Assembly from imposing other restrictions and provisions, in the creation of corporations. Forfeiture. Sequestrations.

13. The General Assembly shall not pledge the faith and credit of the State, to raise funds in aid of any corporation whatsoever. Faith and credit of state.

14. The General Assembly shall at its first session, have power to regulate, restrain and control, all associations claiming to exercise corporate privileges in the State, so as to guard, protect and secure the interests of the people of the State, not violating vested rights, or impairing the obligation of contracts. Power of Gen. Ass'y to regulate banking corporations.

Constitution of the State of Florida.

ARTICLE XIV.

*Amendments and revision of the constitution.*Convention
how called.

1. No convention of the people shall be called, unless by the concurrence of two-thirds of each house of the General Assembly.

How constitution
may be altered.

2. No part of this constitution shall be altered, unless a bill to alter the same shall have been read three times in the house of representatives, and three times in the senate, and agreed to by two-thirds of each house of the General Assembly; neither shall any alteration take place until the bill so agreed to, be published six months previous to a new election for members to the house of representatives; and if the alteration proposed by the General Assembly, shall be agreed to, at their first session by two-thirds of each house of the General Assembly after the same shall have been read three times on three several days in each house, then and not otherwise, the same shall become a part of the constitution.

ARTICLE XV.

The seat of government.

Seat of Gov't.

1. The seat of government, of the State of Florida, shall be and remain permanent at the city of Tallahassee, for the term and time of five years, from and after the end of the first session of the General Assembly, to be holden under this constitution; and after the expiration of the said five years, the General Assembly shall have power to remove the seat of government, from Tallahassee, and fix the same at any other point: provided, that the General Assembly shall immediately after the expiration of ten years, from the end of the said first session thereof, fix permanently the seat of Government.

ARTICLE XVI.

*General provisions.*Emancipation
of Slaves.

1. The General Assembly shall have no power to pass laws for the emancipation of slaves.

Introduction of
slaves.

2. They shall have no power to prevent emigrants to this State, from bringing with them, such persons as may be deemed slaves, by the laws of any one of the United States; provided, they shall have power to enact laws to prevent the introduction of any slaves, who may have committed crime in other States.

Free negroes
&c.

3. The General Assembly shall have power to pass laws to prevent free negroes, mulattoes, and other persons of color, from immigrating to this State, or from being discharged from on board any vessel, in any of the ports of Florida.

Treason.

4. Treason against the State, shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his confession in open court.

5. Divorces from the bonds of matrimony shall not be allowed, but by the judgment of a court, as shall be prescribed by law. Divorces.

6. The General Assembly, shall declare by law, what parts of the common law, and what parts of the civil law, not inconsistent with this constitution, shall be in force in this State. Common and civil law.

7. The oaths of officers, directed to be taken under this constitution, may be administered by any judge, or justice of the peace, of the Territory, or State of Florida, until otherwise prescribed by law. Oaths of officers

ARTICLE XVII.

Schedule and ordinance.

In order that no inconvenience may arise from the organization and establishment of the State government, it is declared:—

1. That all laws and parts of laws, now in force, or which may be hereafter passed by the governor and Legislative Council, of the Territory of Florida, not repugnant to the provisions of this constitution, shall continue in force, until by operation of their provisions or limitations, the same shall cease to be in force, or until the General Assembly of this State, shall alter or repeal the same; and all writs, actions, prosecutions, judgments and contracts, shall be, and continue, unimpaired, and all process which has heretofore issued, or which may be issued, prior to the last day of the first session of the General Assembly of this State, shall be as valid as if issued in the name of the State; and nothing in this constitution shall impair the obligation of contracts, or violate vested rights, either of individuals, or of associations claiming to exercise corporate privileges in this State. Laws of Terr'y in force.
Writs, actions, &c.
Process.
Contracts and vested rights.

2. All fines, penalties, forfeitures, obligations, and escheats, accruing to the Territory of Florida, shall accrue to the use of the State of Florida. Fines, forfeitures, &c.

3. All recognizances heretofore taken or which may be taken before the organization of the judicial department under this constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of the State; and all bonds, executed by the governor of the Territory of Florida, or to any other officer in his official capacity, shall pass over to the governor or other proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for, and recovered accordingly; and all criminal prosecutions and penal actions, which have arisen, or which may arise before the organization of the judicial department under this constitution, and which shall then be depending, may be prosecuted to judgment and execution in the name of the State. Recognizances, &c.
Bonds.
Criminal prosecutions.
Penal actions.

4. All officers, civil and military, now holding their offices and appointments in the Territory, under the authority of the United States, or under the authority of the Territory, shall continue to hold and exercise their respective offices and appointments, until superseded under this Constitution; and all actions at law, or suits in chancery, or any proceeding pending, or which may be pending

1845.

in any Court of the Territory of Florida, may be commenced in, or transferred to such Court of the State, as may have jurisdiction of the subject matter thereof.

Ratification of
constitution.

5. This Constitution shall be submitted to the people for ratification at the election for Delegate on the first Monday of May next. Each qualified voter, may express his assent or dissent to the Constitution, by directing the managers of said election to write opposite to his name on the poll book, either the word "*Constitution*," or "*No Constitution*." And in case the time of election for Delegate, be changed to any other day, than the first Monday of May next, then the Judges or Clerks of the County courts respectively, shall appoint managers to hold an election on the said first Monday of May, for ratification of the Constitution, and said managers, shall conduct said election, in the manner provided by the laws of the Territory respecting elections, and make return of the result of such vote forthwith, by depositing the original Poll Book, in the clerks office of their Counties respectively, and by transmitting a certificate of the result to the President of the Convention; who

Proclamation
thereof.

shall forthwith make Proclamation of the same, and in case the Constitution be ratified by the People, and immediately after official information shall have been received that Congress have approved the Constitution, and provided for the admission of Florida, the President of this Convention shall issue writs of election to the proper officers, in the different Counties, enjoining them to cause an election to be held for Governor, Representative in Congress, and Members of the General Assembly, in each of their respective Counties. The election shall be held on the first Monday after

Election.

the lapse of sixty days, following the day of the date of the President's proclamation, and shall take place on the same day throughout the State. The said election shall be conducted according to the then existing election laws of the Territory of Florida: Provided, however, that in case of the absence, or disability of the President of the Convention, to cause the said election, to be carried into effect, the Secretary of this Convention, shall discharge the duties hereby imposed upon the President; and in case of the absence, or disability of the Secretary, a committee consisting of five, to wit: Leigh Read, George T. Ward, James D. Westcott, Jr., Thomas Brown, and Leslie A. Thompson, or a majority of them, shall discharge the duties herein imposed on the Secretary of the Convention, and the Members of the General Assembly, so elected, shall assemble on the fourth Monday thereafter, at the seat of Government. The Governor, Representative in Congress, and Members of the General Assembly, shall enter upon the duties of their respective offices immediately after their election, under the provisions of this Constitution, and shall continue in office in the same manner, and during the same period, they would have done, had they been elected on the first Monday in October.

By whom or-
dered.

Term of office.

Assent to terms
of admission in
to Union.

6. The General Assembly shall have power by the votes of two thirds of both houses to accede to such propositions as may be made by the Congress of the United States upon the admis-

sion of the State of Florida into the national confederacy and Union, if they shall be deemed reasonable and just, and to make declaration of such assent by law; and such declaration when made shall be binding upon the people and the State of Florida as a compact; and the governor of the State of Florida shall notify the President of the United States of the acts of the General Assembly relating thereto; and in case of declining to accede to such propositions or any part thereof, the General Assembly shall instruct the Senators and Representative of the State of Florida in Congress, to procure such modification or alteration thereof as may be deemed reasonable and just, and assent thereto, subject to the ratification of the General Assembly by law as aforesaid.

7. The courts of this State, shall never entertain jurisdiction of any grants of land, in the Floridas, made by the King of Spain, or by his authority, subsequent to the twenty-fourth day of January, eighteen hundred and eighteen, nor shall the said courts, receive as evidence, in any case, certain grants, said to have been made by the said King of Spain, in favor of the Duke of Alagon, the Count Punon Rostro, and Don Pedro de Vargas, or any title derived from either of said grants, unless with the express assent of the Congress of the United States.

DONE in Convention, held in pursuance of an act of the governor and Legislative Council of the Territory of Florida, entitled "An act, to call a convention for the purpose of organizing a State government," passed, thirtieth day of January, eighteen hundred and thirty-eight, and approved second February, eighteen hundred and thirty-eight.

IN WITNESS WHEREOF, the undersigned, the president of said convention and delegates, representing the people of Florida, do hereunto sign our names, this the eleventh day of January, anno Domini, eighteen hundred and thirty-nine and of the independence of the United States of America, the sixty-third year; and the secretary of said convention, doth countersign the same.

ROBERT RAYMOND REID, *President of the Convention and Delegate from the County of St. Johns.*

Walker Anderson, of Escambia.	E. Carrington Cabell,
John L. McKinnon, } of Walton.	J. McCants,
Daniel G. McLean, }	John C. McGehee,
Stephen J. Roche, of Washington.	Joseph B. Watts,
E. Robbins,	Wm. B. Hooker,
Cosam Emir Bartlett,	Wilson Brooks,
Thomas Baltzell,	George E. McClellan,
Samuel C. Bellamy, of Rockcave.	John F. Webb,
Alfred L. Woodward,	I. Garrason,
Richard H. Long,	E. K. White,
R. C. Allen,	A. W. Crichton,

1845.

Banks Meacham, of <i>Gadsden</i> .	Oliver Wood,
John W. Malone, of <i>Gadsden</i> .	William Haddock,
Geo. T. Ward, of <i>Leon</i> .	Jose Simeon Sanches,
W. Wyatt,	Edwin T. Jenckes,
James D. Westcott, jr., of <i>Leon</i> .	D. Levy, of <i>St. Johns</i> .
Leigh Read,	W. H. Williams, of <i>Mosquito</i> .
A. Bellamy,	William Marvin,
John N. Partridge,	J. B. Browne,
William Bunce,	Edmund Bird, of <i>Alachua</i> ,
John M. G. Hunter, of <i>Gadsden</i> .	L. A. Thompson, of <i>Leon</i> .
JOSHUA KNOWLES, <i>Secretary of the Convention</i> .	

ACTS OF CONGRESS

ADMITTING THE STATE INTO THE UNION.

An ACT for the admission of the States of Iowa and Florida into the Union.

(See page 35 pamphlet, Acts of Congress, 1845.)

WHEREAS, the people of the Territory of Iowa did, on the seventh day of October, eighteen hundred and forty-four, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government; and whereas, the people of the Territory of Florida did, in like manner, by their delegates, on the eleventh day of January, eighteen hundred and thirty-nine, form for themselves a constitution and State government, both of which said constitutions are republican; and said conventions having asked the admission of their respective Territories into the Union as States, on equal footing with the original States:

[SEC. 1.] *Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the States of Iowa and Florida be, and the same are hereby, declared to be States on an equal footing with the original States, admitted into the Union on equal footing with the original States, in all respects whatsoever.

SEC. 2. *And be it further enacted,* That the following shall be the boundaries of the said State of Iowa, to wit: Beginning at the mouth of the Des Moines river, at the middle of the Mississippi, thence by the middle of the channel of that river to a parallel of latitude passing through the mouth of the Mankato, or Blue-Earth river, thence west along the said parallel of latitude to a point where it is intersected by a meridian line, seventeen degrees and thirty minutes west of the meridian of Washington city, thence due south to the northern boundary line of the State of Missouri, thence eastwardly following that boundary to the point at which the same intersects the Des Moines river, thence by the middle of the channel of that river to the place of beginning.

SEC. 3. *And be it further enacted,* That the said State of Iowa shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the said State of Iowa, so far as the said rivers shall form a common boundary to said State, and any other State or States now or hereafter to be formed or bounded by the same: Such rivers to be common to both: And that the said river Mississippi, and the navigable waters leading into the same, shall be common highways, and forever free as well to the inhabitants of said State, as to all other citizens of the United States,

1845.

without any tax, duty, impost, or toll therefor, imposed by the said State of Iowa.

Assent of people of Iowa to this act necessary.

SEC. 4. *And be it further enacted*, That it is made and declared to be a fundamental condition of the admission of said State of Iowa into the Union, that so much of this act as relates to the said State of Iowa shall be assented to by a majority of the qualified electors at their township elections in the manner and at the time prescribed in the sixth section of the thirteenth article of the constitution adopted at Iowa city the first day of November, anno Domini eighteen hundred and forty four, or by the legislature of said State. And as soon as such assent shall be given, the President of the United States shall announce the same by proclamation; and therefrom and without further proceedings on the part of Congress the admission of the said State of Iowa into the Union, on an equal footing in all respects whatever with the original States, shall be considered as complete.

Boundaries of Florida.

SEC. 5. *And be it further enacted*, That said State of Florida, shall embrace the territories of East and West Florida, which by the treaty of amity, settlement and limits between the United States and Spain, on the twenty-second day of February eighteen hundred and nineteen, were ceded to the United States.

Iowa and Florida each to have one Representative in Congress

SEC. 6. *And be it further enacted*, That until the next census and apportionment shall be made, each of said States of Iowa and Florida, shall be entitled to one representative in the House of Representatives of the United States.

Iowa and Florida do not interfere with the disposal of the public lands within their limits, nor tax them. Ordinance of the convention of Iowa not obligatory on the United States.

SEC. 7. *And be it further enacted*, That said States of Iowa and Florida are admitted into the Union on the express condition that they shall never interfere with the primary disposal of the public lands laying within them, nor levy any tax on the same whilst remaining the property of the United States: *Provided*, That the ordinance of the convention that formed the constitution of Iowa, and which is appended to the said constitution, shall not be deemed or taken to have any effect or validity, or to be recognised as in any manner obligatory upon the Government of the United States.

Approved, March 3d, 1845.

An ACT supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes.

(See page 103 pamphlet, Acts of Congress, 1845.)

Florida.

[SEC. 1.] *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in consideration of the concessions made by the State of Florida in respect to the public lands, there be granted to the said State eight entire sections of land for the purpose of fixing their seat of Government; also, section number sixteen in every township, or other lands equivalent thereto, for the use of the inhabitants of such township, for the support of public schools; also, two entire townships of land, in addition to the two townships already reserved,

Grant of lands for seat of gov't.

Public schools.

for the use of two seminaries of learning—one to be located east, and the other west of the Suwannee river; also, five per centum of the net proceeds of the sale of lands within said State, which shall be hereafter sold by Congress, after deducting all expenses incident to the same; and which said net proceeds shall be applied by said State for the purposes of education.

SEC. 2. *And be it further enacted*, That all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said State of Florida, as elsewhere within the United States.

SEC. 3. *And be it further enacted*, That the said State shall compose one district, to be called the district of Florida. And a district court shall be held in said district, to consist of one judge who shall reside within the district to which he is appointed, and be called a district judge; and shall in all things have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky district under an act entitled An act to establish the judicial courts of the United States, the said judge shall appoint a clerk at the place at which a court is holden within the respective district, who shall reside and keep the records of the court at the place of holding the same; and shall receive, for the services he may perform, the same fees to which the clerk of the Kentucky district is entitled for similar services.

SEC. 4. *And be it further enacted*, That the judge of the district of Florida shall hold extra sessions at any time when the public interest may, in his opinion, require the same.

SEC. 5. *And be it further enacted*, That the judge of the district of Florida shall hold one session annually at the following places, to wit at Tallahassee, on the first Monday of January; at St. Augustine on the first Monday of April; and at Key West, on the first Monday in August.

SEC. 6. *And be it further enacted*, That there shall be allowed to the judge aforesaid, an annual compensation of two thousand dollars, to commence from the date of his appointment, to be paid quarter-yearly at the treasury of the United States.

SEC. 7. *And be it further enacted*, That there shall be appointed in said district a person learned in the law, to act as attorney for the United States; who shall in addition to his stated fees, be paid by the United States, two hundred dollars, as a full compensation for all extra services.

SEC. 8. *And be it further enacted*, That a marshal shall be appointed in said district, who shall perform the same duties, be subject to the same regulations, and penalties, and be entitled to the same fees as are prescribed to marshals in other districts; and shall moreover, be entitled to the sum of two hundred dollars annually as a compensation for all extra services. And that the salary of the district judges of the district courts of the districts of Ohio, Indiana, Illinois and Missouri, shall hereafter be, one thousand five hundred dollars per annum.

[Approved March 3d, 1845.]



TITLES OF ACTS

FIRST SESSION—FIRST GENERAL ASSEMBLY.—1845.

CHAP.		PAGE.
1.	An Act to Organize the Office of Secretary of State.	1
2.	An Act to Organize the Office of Attorney General of the State of Florida.	5
3.	An Act fixing the salary of the Governor of this State, and to authorize the appointment of a Governor's Secretary, and Clerk for the Executive Department, and for other purposes.	7
4.	An Act to Organize the Circuit Courts of the State of Florida.	8
5.	An Act to Organize the Supreme Court of the State of Florida.	12
6.	An Act to Organize the Courts of Probate for the State of Florida.	14
7.	An Act to provide for the appointment of Justices of the Peace and Constables.	15
8.	An Act to Organize the Office of Comptroller of the public accounts of the State of Florida.	16
9.	An Act to Organize the Office of Treasurer of the State of Florida.	19
10.	An Act to raise a Revenue for the State of Florida, and defining the duties of the Assessors and Collectors thereof.	21
11.	An Act to organize a board of County Commissioners in the Several Counties of this State.	32
12.	An Act respecting Commissions to be issued to the officers of this State by the Governor thereof.	33
13.	An Act respecting the books and maps belonging to this State.	34
14.	An act declaring the assent of the State of Florida to the terms of admission into the Confederacy and Union.	35
15.	An Act to provide for the registration of the qualified voters of the State of Florida.	36
16.	An Act prescribing the time, place and manner of Electing the Representatives in Congress from this State, and for other purposes.	36
17.	An Act to re-organize the Counties of Wakulla, Santa Rosa, Levy, Marion, St. Lucie, Benton and Orange; and to provide for fixing the County Site of Wakulla County.	37
18.	An Act to fix permanently, the County Seat of Calhoun County.	38
19.	An Act to change the County Site of Orange County.	39
20.	An Act to change the name of Charles R. Floyd.	39
21.	An Act to provide for ascertaining, securing and increasing the funds applicable to purposes of education in this State.	40
22.	An Act to repeal an Act to provide the mode of punishment for certain offences at Key West, in the Southern Judicial District.	40
23.	An Act in relation to certain Associations, claiming to exercise banking privileges in this State.	41
24.	An Act assenting to the purchase by the United States, of certain land on the Island of Key West, for the purpose of erecting fortifications thereon and ceding to the United States jurisdiction over said land for the purpose aforesaid.	41
25.	An Act supplementary to, and extending the provisions of An Act assenting to the purchase by the United States and ceding to the same jurisdiction of certain lands on the Island of Key West, for the purposes designated in said Act, approved July 8th, 1845.	42
26.	An Act to fix the Compensation of Members of the General Assembly of this State.	44
27.	An Act making appropriations to defray the expenses of the General Assembly of the State of Florida at its First Session, commencing on the Twenty-third day of June, and ending on the Twenty-seventh day of July, A.D. 1845, and for other purposes.	45

NUMBER.	PAGE.
1. In relation to Agent, to locate University and School Lands, &c.	51
2. In regard to Printing the Laws of the General Assembly.	51
3. Respecting the Boundaries of this State.	51
4. Respecting the terms of office of the members of the present gen'l assembly.	52
5. In relation to selection of Public Lands under the Acts of Congress of 15th January, 1844, &c.	52
6. In relation to postponement of sales of Public Lands in this State.	52
7. In relation to the construction of a Levee at St. Marks.	53
8. Respecting certain accounts against the United States, in favor of certain persons therein named.	54
9. Relating to a Report and Resolutions of the Legislature of Connecticut.	54
10. Memorial &c. to Congress of the U. States, respecting losses in Seminole War.	55
11. Resolution of House of Representatives, respecting Memorial of Citizens of Benton County, as to establishment of Port of Delivery at Cheesechowiska.	56
12. Resolution of House of Representatives requiring Comptroller and Treasurer to inquire into accounts of Auditor and Treasurer of Territory, &c.	56
13. Resolution of House of Representatives respecting services of Militia in Duval County in 1838.	57

THE
ACTS AND RESOLUTIONS,
 OF THE
FIRST GENERAL ASSEMBLY,
 OF THE
STATE OF FLORIDA.

PASSED AT ITS FIRST SESSION, BEGUN AND HELD AT THE CAPITOL
 IN THE CITY OF TALLAHASSEE ON MONDAY, JUNE 23, 1845, AND
 ENDED JULY, 1845.

WILLIAM D. MOSELEY, Governor. JAMES T. ARCHER, Secretary of State, elected July 23, 1845. JAMES A. BERTHELOT, President of the Senate. THOMAS F. KING, Secretary of the Senate. HUGH ARCHER, Speaker of the House of Representatives. ISAAC FERGUSON, Speaker of the House of Representatives *pro tem.*, July 19, 1845, served from that day till end of session.—MARIANO D. PAPY, Clerk of House of Representatives. JOSEPH BRANCH, Attorney General; elected July 23d, 1845.



CHAP. 1. [No. i.] AN ACT to Organize the Office of Secretary of State.

SECTION 1. *Be it enacted, by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* 1845.
 That the Secretary of State elected in pursuance of the provisions of the Constitution, shall receive a salary of six hundred dollars per annum, payable quarter yearly, at the Treasury of the State, on the first day of January, April, July and October, in each and every year, and also such fees for official services rendered to others than the State, or officers of the State for official use, as may be prescribed and allowed by law. Sec'y of State. Salary, fees &c.

§ 2. *Be it further enacted,* That the Secretary of State shall reside at the seat of Government of this State, and shall hold his office in a room in the Capitol, to be assigned him by the Governor; that he shall perform the duties prescribed by the Constitution of this State; shall have the custody, and care of the Constitution and great seal of this State, and of the original statutes thereof, and of the resolutions of the General Assembly, and of all the official correspondence of the Governor of this State; and he shall keep a register of all official letters, orders, communications and documents received by the Governor or by himself, and file and preserve the same in his said office, and shall make and keep an index thereof, and shall record all the official letters, orders, messages and other official acts and proceedings of the Governor, in a book to be provided therefor, in regular chronological order, and number the same as recorded, and make and keep an index to such rec- Residence. Office. Duties. Vide § 12, 13, 14, art. 3 con. Register. Index. Record.

1845.

Gov. to furnish
papers, &c.

ord; and that to enable the said Secretary of State so to do, it shall be the duty of the Governor, before the issuing of any order, or transmission of any official, letter, or communication or document from the Executive Office, or promulgation of any official act or proceeding, (except military orders,) to deliver the same, or a copy thereof, to the Secretary of State to be recorded as aforesaid, and also deliver to said Secretary of State, all official letters and communications to him, forthwith on the receipt thereof.

Sec'y of State
to have papers
of gov. and sec.
of Ter'y.

§ 3. *Be it further enacted*, That the Secretary of State shall have the custody, keeping and care of all the books, papers, files, records and documents belonging to the offices of Governor and Secretary of the Territory of Florida, and of the statutes of the Territory, and of the books, papers, journals and documents of the Legislative Council of the Territory, and the Secretary of State shall, in addition to the duties prescribed by the Constitution, perform all the duties heretofore appertaining to the office of Secretary of the Territory, not inconsistent with the Constitution of this State.

To perform du-
ties &c.Great Seal to be
seal of sec'y of
fice, &c.

§ 4. *Be it further enacted*, That the great seal of this State shall also be the seal of the office of the Secretary of State, and that the Secretary of this State may certify under said seal, copies of any statutes, law, resolution, record, paper, letter or document, by law placed in his custody, keeping and care, and such certified copy shall have the same force and effect as evidence, as the original would have.

Sec'y leaving
state, resigna-
tion, &c.

Vacancy.

ad interim.

Journ's of Gen.
Assembly.Each precinct
to have copy.

Transportation.

§ 5. *Be it further enacted*, That it shall not be lawful for the Secretary of State to leave this State, without the written permission of the Governor thereof, and his departure from the State without such permission shall be taken as a resignation of his office, and the vacancy shall be forthwith filled according to law, and the Governor, on the said Secretary leaving the State with such permission, may appoint a Secretary of State ad interim, to act until his return.

§ 6. *Be it further enacted*, That it shall be the duty of the Secretary of State immediately after the publication of each volume of the Journals of the Senate and House of Representatives to send and deliver to each of the clerks of the Circuit Courts in the State, the number of Journals of both houses necessary, to have one copy at each of the precincts in his county; the expense of transportation shall be paid in the same manner as that of the Statute laws of the State; and it shall be the duty of said several clerks to deliver to the inspectors of election at each precinct in his county a copy of each of said Journals.

State Reports
to whom furn-
ished, &c.

§ 7. *Be it further enacted*, That it shall be the duty of the Secretary of State to furnish copies of the State Reports to the following persons: a copy to the Governor of the State, a copy to the Secretary of State, a copy to the Treasurer and a copy to the Comptroller, a copy to each of the Judges of the Circuit Courts, a copy to each of the Judges of Probate in the State, a copy to each State of the Union, which sends a copy of its reports to the State of Florida.

1845.

§ 8. *Be it further enacted*, That it shall be the duty of the Secretary of State to take a receipt from each officer to whom he shall furnish one of said copies, and he shall preserve all the copies not distributed under this act, in his office for the use of the General Assembly; and even if there should be a demand for all the copies in his office, he shall take particular care to retain in his office at least ten copies for the use afore-said. Receipts to be taken for copies furnished, &c.
Ten copies to be kept for use of Gen. Ass'y.

[Passed the Senate, July 11th, 1845. Passed the House of Representatives, July 16th, 1845. Approved by the Governor July 23d, 1845.]

CHAP. 2. [No. ii.] An ACT to organize the office of Attorney General of the State of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That the Attorney General of the State of Florida, elected in pursuance of the provisions of the Constitution, shall receive a salary of five hundred dollars per annum, payable quarter yearly at the Treasury of this State, on the first days of January, April, July and October, in each and every year, and such fees for official services rendered to the State as may be prescribed and allowed by law. Salary.

§ 2. *Be it further enacted by the authority aforesaid*, That the Attorney General shall reside at the seat of Government, and shall keep his office in a room in the Capitol to be assigned him by the Governor; that he shall perform the duties prescribed by the Constitution of this State, and also perform such other duties appropriate to his office as may from time to time be required of him by law, or by resolution of the General Assembly; that he shall, on the written requisition of the Governor, Secretary of State, Treasurer or Comptroller, give his official opinion and legal advice in writing on any matter touching their official duties; that he shall appear in and attend to in behalf of the State, all suits or prosecutions, civil or criminal, or in equity, in which the State may be a party, or in anywise interested, in the Supreme Court of this State; and when required so to do, in writing by the Governor of the State, he shall appear in and attend to such suits or prosecutions in any other of the Courts of this State, or in any Court of any other State, or of the United States; and that he shall make and keep in his office, a record of all his official acts and proceedings, containing copies of all his official opinions, reports and correspondence, and also keep and preserve in his office all official letters and communications to him, and cause a registry and index thereof to be made and kept, all of which official papers and records shall be subject to the inspection of the Governor of the State and to the disposition of the General Assembly by act or resolution thereof. Residence.
Duties.
Shall give his written opinion and legal advice, when—
Shall appear in behalf of State in Supreme Court or other Courts of State or U. S. when required by Gov.
Shall keep record of all his official acts and proceedings.

1845.

May appoint
deputy, when,

§ 3. *Be it further enacted by the authority aforesaid, That in case of the disability of the Attorney General to perform any official duty devolving on him, by reason of interest or otherwise, the Governor or Attorney General of this State may appoint another person to perform such duty in his stead.*

Duty.

§ 4. *Be it further enacted by the authority aforesaid, That it shall be the duty of the Attorney General of this State to attend all sessions of the General Assembly, and upon the passage of any act to draft and submit to the General Assembly, at the same session, all necessary forms of proceedings under such laws, which, when approved by the General Assembly, shall be published therewith; and the Attorney General shall forthwith, upon the adjournment of the General Assembly, at each session thereof, prepare marginal notes to each and every section of the acts and resolutions passed at each session, and an index to said acts and resolutions; and to enable the Attorney General to perform said duties, the Secretary of State shall forthwith, on the filing of any act or resolution in his office, furnish the Attorney General with a correct copy thereof, which, with the notes and index aforesaid, and said forms, shall be published under the direction of the Attorney General.*

Duty,

Sec. of State
shall furnish
him copy of
acts and res.Shall make re-
port to the Gov-
ernor, when
on what,

§ 5. *Be it further enacted by the authority aforesaid, That it shall be the duty of the Attorney General of this State to make a written report to the Governor of this State, five days before the first day of every Session of the General Assembly of this State, as to the effect and operation of the acts of the last previous session; the decisions of the Courts thereon, and referring to the previous legislation on the subject, with such suggestions as in his opinion the public interest may demand; which report shall be laid before the Legislature by the Governor with his first message.*

With sugges-
tions to be laid
before Legisla-
ture by Gov.Misdemeanor,
when guilty of,

§ 6. *Be it further enacted by the authority aforesaid, That it shall be a misdemeanor in office, for the Attorney General to take or receive any fee for defending any supposed offender in any of the Courts.*

Report decis-
ions
of Supreme
Court.

§ 7. *Be it further enacted, That it shall be the duty of the Attorney General to report the decisions of the Supreme Court, under such rules, regulations and restrictions as may be provided by law.*

Printer of Laws
of State to print
two hundred
copies.

§ 8. *Be it further enacted, That it shall be the duty of the printer, who may from time to time be employed to print the laws of the State, on being furnished with the manuscripts by the Attorney General, whose duty it shall be to furnish the same, to print two hundred copies of the same, for which he shall receive the same compensation as he shall be entitled to receive for printing the statute laws of the State; and the said two hundred copies shall be printed and bound in the same manner as the statute laws of the General Assembly.*

Compensation.

Printed and
bound, how.Copy-right and
one hundred

§ 9. *Be it further enacted, That the copy-right and one hundred copies of said printed reports shall belong to the Attorney*

1845.

General who reported them, and he shall receive no other or further compensation for reporting them than said copy-right and one hundred copies; and it shall be the duty of the printer aforesaid to deposit the other hundred copies in the office of the Secretary of State, to be disposed of as the law may direct.

§ 10. *Be it further enacted*, That the Attorney General shall not report any decision heretofore made, unless sanctioned by a majority of the Judges of the Supreme Court.

[Passed the Senate, July 11th 1845. Passed the House of Representatives, July 16th 1845. Approved, July 23rd 1845.]

CHAP. 3. [No. iii.] An ACT Fixing the Salary of the Governor of this State and to authorize the appointment of a Governor's Secretary and Clerk for the Executive Department, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the salary of the Governor of the State of Florida shall be fifteen hundred dollars per annum, to commence from the day of his assuming the duties of said office and to end on the day his successor assumes the same; and such salary shall be payable quarter yearly at the Treasury of this State, on the first day of January, April, July and October, in each and every year, upon the warrant of the Comptroller of the State in favor of the Governor; and such Governor shall receive no other compensation, or emolument, or fees whatever, either from the State, or otherwise, for official services.

§ 2. *Be it further enacted by the authority aforesaid*, That until otherwise directed by law, the Governor may reside at any place within the State, except during the sessions of the General Assembly when it shall be his duty to reside at the Seat of Government.

§ 3. *Be it further enacted by the authority aforesaid*, That the Governor of this State may appoint and commission a fit and proper person, to hold his office during the pleasure of the Governor, as Governor's Secretary and as clerk for the Executive Department, and who shall attend daily, during office hours at the Capitol, and perform such duties in the office of the Governor as he may be directed by the Governor to perform; and such officer shall receive for his services a salary of five hundred dollars per annum, payable quarter yearly at the Treasury of this State on the first days of January, April, July and October, in each and every year, upon the warrant of the Comptroller of the State in favor of such officer, and such officer shall also have the control, charge, care and superintendence of the Capitol and of the Capitol Square under the direction of the Governor.

§ 4. *Be it further enacted*, That the Governor of this State, person exercising that office, is hereby authorized and empowered in all criminal and penal cases, (except those of treason and impeachment), to grant pardons and reprieve and to remit all fines and forfeitures, or so much thereof as he may deem expedient,

1845.

which have accrued or may hereafter accrue to this State: *Provided*, said fines or forfeitures be not collected or paid into the State Treasury.

[Passed the Senate July, 1845. Passed the House of Representatives July, 1845. Approved by the Governor, July 25th, 1845.]

CHAP. 4. [No. iv.] An ACT to organize the Circuit Courts of the State of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That

Western Cir't. all that part of the State of Florida, lying west of the Apalachicola river, shall constitute and be known as the Western Circuit. All that part of the State of Florida lying East of the Suwannee river, and North of the Southern Circuit, hereinafter designated, shall constitute and be known as the Eastern Circuit. All that part of the State of Florida lying between the Western Circuit and the Eastern Circuit, as hereinbefore designated, shall constitute and be known as the Middle Circuit. All that part of the State of Florida lying South of the Northern line of St. Lucie county and the Northern line of Benton county, shall constitute and be known as the Southern Circuit.

§ 2. *Be it further enacted*, That the salaries of the Judges of the Circuit Courts shall be two thousand dollars per annum, each, to be paid quarterly out of the Treasury of the State, on the first days of January, April, July and October in each and every year.

§ 3. *Be it further enacted*, That the said Circuit Courts for the Western Circuit shall be held at the times and places following, to wit: The spring term shall be held at Apalachicola for the county of Franklin on the second Monday in March; at the Court House for the county of Calhoun on the third Monday in March; at Mariana, in the county of Jackson, on the fourth Monday in March; at Roach's Bluff for the county of Washington, on the second Wednesday after the fourth Monday in March; at Ucheeana for the county of Walton, on the second Monday after the fourth Monday in March; at Milton for the county of Santa Rosa on the third Monday after the fourth Monday in March; at Pensacola for the county of Escambia on the fourth Monday after the fourth Monday in March. The fall term shall be held at Pensacola on the first Monday in November; at Milton on the second Monday in November; at Ucheeana on the third Monday in November; at Roach's Bluff on the fourth Monday in November; at Mariana on the first Monday after the fourth Monday in November; at the Court House for the County of Calhoun on the second Monday after the fourth Monday in November; and at Apalachicola on the third Monday after the fourth Monday in November.

1845.

§ 4. *Be it further enacted*, That in the Middle, the Eastern and the Southern Circuits, the said Circuit Courts shall be held at the times and places now appointed by law for holding the Superior Courts therein, but a Circuit Court shall be held for the county of Hillsborough at Tampa, on the second Monday of April and October, and in Benton county at the county site on the third Monday of April and October in each and every year.

§ 5. *Be it further enacted*, That all causes civil and criminal, pending in the Superior Courts, and all common law cases pending in the county courts, shall be transferred to the Circuit Courts, to be held for the several counties in which such cases may be so pending as aforesaid, together with all the papers connected therewith or relating thereto; and the said causes shall be proceeded in without delay in the said Circuit Courts.

§ 6. *Be it further enacted*, That it shall be the duty of the Judge of the Western Circuit to hold his first terms of court at the times and places prescribed by law in the Southern Circuit; and the duty of the Judge of the Southern Circuit to hold his first terms of Court at the times and places prescribed by law in the Eastern Circuit; and the duty of the Judge of the Eastern Circuit to hold his first terms of court at the times and places prescribed by law in the Middle Circuit; and the duty of the Judge of the Middle Circuit to hold his first terms of court at the times and places prescribed by law in the Western Circuit; and the Judge of the Western Circuit shall hold his second term in the Eastern Circuit, his third term in the Middle Circuit, and his fourth term in the Western Circuit as aforesaid, the other Judges pursuing the same order as above mentioned throughout the several circuits of the State, so that no Judge shall preside oftener than once in two years in the same circuit, unless in the case of sickness or death of the Judge whose duty it would have been to preside in said circuit.

§ 7. *Be it further enacted*, That the said circuit courts respectively shall have and exercise the original and appellate jurisdiction conferred by the constitution of this State, and all original and appellate jurisdiction had by the superior courts of the several Districts of the Territory of Florida and of the county courts of the several counties of the Territory under the laws of the Territory, not inconsistent with the Constitution of this State.

§ 8. *Be it further enacted*, That all causes in equity and at common law, and civil and criminal, and all motions and proceedings pending in the several superior courts of the Territory or county courts of the Territory, shall be transferred to the proper circuit courts to be held for the county, except all cases cognizable by the Federal Courts, which may be organized in this state, which cases shall be transferred to such court

1845.

Writs issued by sup. and county courts of Territory shall be returned to said circuit court to be tried and decided therein and thereby.

Practice and proceedings.]

§ 9. *Be it further enacted*, That the several acts of the Governor and Legislative Council now in force relating to the practice and proceedings in the Superior or County Courts of the Territory of Florida shall, as far as the same can be made applicable to the Circuit Courts, be in full force, and be held and deemed to apply by said Circuit Courts; and that the rules heretofore framed and adopted by the Court of Appeals of the Territory shall be held and deemed to be in full force and to apply to said Circuit Courts till altered and annulled by the Supreme Court or General Assembly of this State.

Of Rules adopted by court of appeals.

§ 10. *Be it further enacted*, That a Clerk of the Circuit Court shall be elected on the first Monday in October next in each county of this State wherein a Circuit Court is directed by law to be held, said election to be by the qualified electors according to law; said Clerk to hold his office for the term of two years from the day of his election and until his successor is qualified; and said Clerk shall within thirty days after his election and before he enters on the duties of his office give bond in the penalty of two thousand dollars to the State of Florida, with two or more good sureties, to be approved by a Judge of one of the Circuit Courts, or by the Solicitor of the Circuit in which said county is, and which bond shall be conditioned for the faithful discharge of the duties of his office.

Clerks to be elected, term of office, bond &c.

§ 11. *Be it further enacted*, That until otherwise provided by law, said Clerk shall receive the same fees for his official services as the Clerks of the Superior and County Courts of the Territory are respectively now allowed by law, and shall perform the same duties, have the same powers and be subject to like penalties, except such as the law of this State otherwise direct; and they shall use the Seal of court of the respective Superior Courts aforesaid, as their seal of office.

Clerk's fees, duties, &c.

§ 12. *Be it further enacted*, That when a Circuit Court is held in a county, for more than one county, all the qualified electors of each and every county for which such court is held shall vote in such election for Clerk.

When circuit court is held in a county for more than one county.

§ 13. *Be it further enacted*, That a Sheriff shall be elected on the first Monday of October next in each and every county of this State by the qualified electors of such county, said Sheriff to hold his office for the term of two years, from the day he is elected and until his successor is qualified; and said sheriff shall within thirty days after his election, and before he enters on the duties of his office, give bond payable to the State of Florida, with two or more good sureties, to be approved by a Judge of one of the Circuit Courts or the Solicitor of the Circuit in which said county is, and which bond shall be conditioned for the faithful discharge of the duties of his office, and shall not be for less than two thousand, nor more than twenty

Sheriff, how elected, term of office, bond &c.

1845.

thousand dollars at the discretion of the Judge or Solicitor who approves the same.

§ 14. *Be it further enacted*, That said Sheriffs when qualified, shall be the Executive officers of said Circuit Courts in their respective counties, and shall perform and fulfil all the duties and have like powers as the Marshal of the Judicial Districts of the Territory, and Sheriffs of the counties, and shall be subject to the like penalties and, have and receive like fees as are allowed by law to said Marshals and Sheriffs, and each Sheriff shall in person or by his deputy, execute all process in his county.

§ 15. *Be it further enacted*, That until the Clerks and Sheriffs are elected and qualified as aforesaid, the Clerks of the respective Superior Courts, and the Sheriffs of the respective counties shall perform and fulfil their duties the same as if they had been elected by the qualified electors.

§ 16. *Be it further enacted*, That the Coroners in the respective counties of this State shall act in cases where the Sheriff of a county is interested; and in cases of necessity, the Judge of the Circuit may appoint an *Elisor* to act in such case instead of a Sheriff or Coroner.

§ 17. *Be it further enacted*, That it shall be the duty of the several Clerks of the Superior Courts and of the Clerks of the several County Courts of this Territory, and the Marshals of the several Districts of the Territory, and Sheriffs of the counties, and all other officers and persons having care or possession of any records, files, pleadings, writs, executions, seal of office, dockets, papers or property which are placed by law in the custody of the Clerks of the Circuit Courts, or Sheriffs of the counties of this State, to turn over the same to such Clerk or Sheriff forthwith upon his becoming qualified; and a refusal or neglect so to do on demand, shall be deemed a misdemeanor or and punishable by indictment and fine or imprisonment at the discretion of the Jury.

§ 18. *Be it further enacted*, That the Solicitor for the several Circuits shall have the same powers, perform the same duties, and receive the same fees hertofore provided by law for District Attorneys in relation to the Territorial business in the Superior Courts; and shall in addition receive an annual salary of two hundred dollars each, to be paid quarterly out of the Treasury of the State on the first day of January, April, July and October in each and every year.

§ 19. *Be it further enacted*, That it shall not be lawful for any Judge in this State to try any cause in which he may have been employed as Counsel or Attorney, but shall continue the same until some Judge shall hold court in the Circuit in which said causes may be pending, that was not employed in said cause at the time of his election.

1845.

Passed and approved. [Passed the Senate July 14th, 1845. Passed the House of Representatives July 19th, 1845. Approved by the Governor July 22d, 1845.]

CHAP. 5. [No. v.] An ACT to organize the Supreme Court of the State of Florida.

Jurisdiction.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Supreme Court of this State shall have and exercise appellate Jurisdiction in all causes brought by appeal or writ of error from the several Circuit Courts when the matter in controversy exceeds in amount or value fifty dollars.

Appeals and writs of error.

§ 2. *Be it further enacted,* That the several acts of the Governor and Legislative Council now in force and providing for regulating appeals from the Judgments or decrees or decisions of the Superior Courts of the Territory to the Court of Appeals of the Territory or writs of error, from said Court of Appeals to said Superior Courts, or the review of decisions of said Superior Courts, by said Court of Appeals, shall as far as the same can be made applicable to the Supreme Court of this State and the Circuit Courts thereof be in full force and be held and deemed to apply to said Supreme Court and said Circuit Courts.

Rules.

§ 3. *Be it further enacted by the authority aforesaid,* That the rules of said Court of appeals and of said Superior Courts heretofore formed and adopted by said Court of Appeals according to law shall be held and deemed to be in full force and to apply to said Supreme Court and said Circuit Courts till altered and annulled by said Supreme Court as hereinafter provided.

Term—special term when—

§ 4. *Be it further enacted,* That the term or sessions of said Supreme Court shall be held at least once a year at the Capitol in Tallahassee and shall commence on the first Monday in January in each and every year *provided* however the said Superior Court may order a special Term or Session thereof when the public interest demand the same.

Term when held and where.

§ 5. *Be it further enacted,* That said Supreme Court shall hold a term or session at the Capitol in Tallahassee to commence on the first Monday of January 1846, at which term the said Court shall make and adopt rules for the regulation of the practice in all cases before it, and before said Circuit Courts, which shall be published by the Attorney General as the laws are published and be submitted to the General Assembly at its next session and shall be in force till annulled and altered.

To make rules.

Chief Justice.

§ 6. *Be it further enacted,* That the Justices of the Supreme Court shall at its first term elect one of their number to be chief Justice of said Court who shall preside therein during his term of office as a Judge of the Circuit Court and when he is absent the oldest Justice present shall preside.

1845.

§ 7. *Be it further enacted*, That a deduction of two hundred and fifty dollars shall be made from the salary of each and every Judge of the Circuit Court who shall neglect or fail to attend a term or session of any term of the Supreme Court unless prevented by sickness or accident. Deduction from salary when to be made.

§ 8. *Be it further enacted*, That three of the Justices of the Supreme Court shall constitute a quorum to do all business in said Court and in case of the non attendance of a quorum on the first day of any term the Court may be adjourned from day to day for one week by the sheriff of the County, and if a quorum does not then attend the Court shall be adjourned to the next term. Quorum. Nonattendance of quorum.

§ 9. *Be it further enacted*, That the Justices of the Supreme Court shall file their opinions in writing in all cases decided in said Court before Judgment is pronounced which shall be entered of record in the case. Written opinion

§ 10. *Be it further enacted*, That the Clerk of said Supreme Court shall be elected by the General Assembly in joint meeting and shall hold his office for three years from the day he qualifies and he shall give bond in the sum of two thousand dollars payable to the State of Florida, with security to be approved by the attorney General of the State and filed with the Secretary of State conditioned, that he will faithfully discharge the duties of his office, and until otherwise provided by law he shall receive the same fees for his official services as the Clerk of the Court of Appeals of Florida is now allowed by law, and said Clerk may appoint a deputy or deputy Clerks in his said office. Clerk of Sup^{ts} Court. Bond—fees—

§ 11. *Be it further enacted*, That the Sheriff of the county in which the Supreme Court shall be holden, shall also be Sheriff of said Supreme Court, and said sheriff of said county may appoint a deputy or deputies in his said office, and he shall attend the sessions of said Supreme Court—he shall in person or by deputy serve all the process of said Supreme Court, and shall receive the same fees for his official services as the Marshal of the Middle District of Florida is now allowed by law for his services as the Executive officer of the Court of Appeals of the Territory. Sheriff to attend sup. court, may appoint dep.—fees.

§ 12. *Be it further enacted*, That the seal of said Supreme Court shall be the present seal of the Court of Appeals of this Territory until the said Supreme Court shall devise a seal of said Court, and the same be adopted by law. Seal.

§ 13. *Be it further enacted*, That the Clerk of the Court of Appeals of the Territory of Florida shall on the demand of the Clerk of the Supreme Court of this State forthwith deliver to him all the dockets, records, writs, files, books and papers of said Court of appeals and property and furniture of every nature and kind whatsoever and the seal thereof to be kept by said Clerk of the Supreme Court in a room to be assigned him by the Governor in the Capitol for his office. Docket, records seal &c., to be deliv'd to clerk.

§ 14. *Be it further enacted*, That all cases now pending in said Court of appeals shall be transferred to said Supreme Court and tried and decided therein and thereby, except cases Cognisable Cases to be transferred and writs of error

1845.

and appeals re-
turned to su-
preme court.

by the Federal Court which may be organized in this State, which cases shall be transferred to such Court—and all writs of error or appeals from Judgments decrees or decisions heretofore given rendered by any of the Superior Courts of the Territory shall be returned to said Supreme Court and tried and decided therein and thereby.

[Passed the Senate July 24th 1845. Passed the House of Representatives July 21st 1845. Approved by the Governor July 25th 1845.]

CHAP. 6. [No. vi.] An ACT to organize Courts of Probate for the State of Florida.

How appoint'd.

Term of office.

Duties.

Appeals.

Powers and du-
ties, seal of of-
fice.

Copies when
evidence.

Clerk of coun-
ty court to turn
over papers.

Wills, letters of
adm'n, orders,
&c., to be re-
corded and bo

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* there shall be appointed by the Governor by and with the advice and consent of the General Assembly, a fit person in each county in the State, to be called a Judge of Probates to hold his office for the term of four years, unless sooner removed by impeachment or otherwise, whose duty it shall be to take probate of wills, to grant letters testamentary, of administration and guardianship, to attend to the settlement of the estates of deceased persons and of minors and to discharge the duties usually pertaining to Courts of ordinary, and an appeal shall lie from any final order or decision of the said Judge of Probates to the Circuit Court of the proper County, in like manner as the same is now authorized from the decisions of the County Courts to the Superior Courts.

§ 2. *Be it further enacted, That* the Judges of Probates hereby authorized to be appointed, shall have all the powers, and shall perform all the duties, heretofore prescribed by law as the powers and duties of Judges of the County Courts when acting as Courts of ordinary, and the said Judges of Probates shall have a seal of office, and all copies of papers in their respective offices authenticated by their certificates and seals shall be received in evidence in all the other Courts in the State in like manner as the original would be, and until such seal of office be provided the said Judges of Probates shall use their private seals.

§ 3. *Be it further enacted, That* it shall be the duty of the Clerks of the County Courts respectively, to turn over to the Judges of Probates when appointed and qualified all the papers and records in their respective offices relating to the probate of wills and granting letters testamentary and of administration and guardianship together with all other papers relating to the settlement of Estates.

§ 4. *Be it further enacted, That* every Judge of Probate shall record in a book or books to be kept for that purpose distinctly and at full length all wills testaments, and codicils proved before him and the proof thereof, all letters testamentary and of administration, and all accounts of Executors and administrators settled before him,

1845.

all orders and decrees made by him in relation to such Estates, the appointment of Guardians and the revocation of such appointment, the accounts rendered by Guardians and settled by him, orders and decrees for the sale of minors real estate, all orders and decrees for the assignment or admeasurement of dowers, and all other orders or decrees: to every such book or books he shall make and keep an index of the subjects therein, which together with such book or books shall be open to the inspection of any person paying the fees allowed by law for such examination.

§ 5. *Be it further enacted*, That the Judge of Probates shall receive and be entitled to the same fees for his services as have been heretofore allowed to the Judge and Clerk of the County Courts for similar services and shall hold his Courts at the places now prescribed by law for holding the County Courts.

[Passed the Senate July 15, 1845. Passed the House of Representatives July 21, 1845. Approved July 25, 1845.]

CHAP. 7. [No. vii.] An ACT to provide for the appointment of Justices of the Peace and Constables.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That it shall be the duty of the Judge of Probate or a quorum of the Board of County Commissioners, to order an election for Justices of the Peace in the various districts of their respective counties on the first Monday in October next, subject to all the rules and regulations contained in an act to provide for the election of Justices of the Peace, approved March 7th, 1845, not inconsistent with the constitution of this state or the laws of the present session of the General Assembly. *Provided*, That this act shall not apply to those districts in which Justices have already been elected under the provisions of said act; *And provided, also*, That the Governor may have power to appoint Justices in such of the districts as have failed to elect in conformity with said act, whose commissions shall expire on the first Monday in October next.

§ 2. *Be it further enacted*, That it shall be lawful for the Judge of Probate in each and every district to appoint a constable to perform all the duties of a constable as prescribed by the Territorial law prescribing constable's proceedings, who shall hold his office for the term of one year unless removed for misdemeanor, and it shall be the duty of said constable before he enters upon the duties of his office to give bond with two good and sufficient securities to be approved of by the Judge of Probates, payable to the Governor in a sum not less than five hundred nor more than fifteen hundred dollars, and said bond shall be filed in the clerk's office of the circuit court in the several counties of this state.

[Passed the House of Representatives July 25, 1845. Passed the Senate July 26, 1845. Approved by the Governor July 26, 1845.]

1845.

CHAP. 8. [No. viii.] An ACT to organize the Office of Comptroller of Public Accounts of the State of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts of the State elected in pursuance of the provisions of the Constitution, shall, before he enters upon the discharge of the duties of his office, give bond with at least four good and sufficient securities, payable to the State of Florida, in the penal sum of five thousand dollars, conditioned for the faithful discharge of all the duties of the said office; and said bond, before accepted, shall be approved of by the Attorney General, and also by the Governor of the State, and filed and recorded, when accepted, in the office of the Secretary of State.

Bond, by whom approved.

Residence.

§ 2. *Be it further enacted,* That the Comptroller shall reside at the seat of Government of this State, and shall hold his office in a room in the Capitol, to be assigned him by the Governor.

Duties.

§ 3. *Be it further enacted,* That it shall be the duty of said Comptroller to examine, state, audit and settle all accounts, claims and demands whatsoever, against the State, arising under any law or resolution of the General Assembly, and to make a report thereon, referring to the particular act or resolution and the specific section thereof upon which said claim is founded, and to state therein the name of the original claimant, and the several transferees of said claim and the evidence in support thereof; and to make in a book to be kept in his office, a full and exact record of all the accounts and vouchers and evidence submitted to him, and of his said report; and if he shall allow such claim or any part thereof, to issue his warrant for the amount, or so much as he allows thereof, to the claimant, directed to the Treasurer of the State, authorizing the payment of such amount out of the Treasury of the State, and which Warrant he shall also record, and shall forthwith, with all said original accounts, vouchers and evidence, and his said report, hand to the Treasurer, who shall file the same in his office, and if lawful pay the same or issue a Treasury certificate therefor, as may be provided by law; and said comptroller shall cause to be kept in his office a full and complete registry and index of all official letters and communications and documents received by him and of the disposition thereof by him, and shall file and preserve those not required to be handed to the Treasurer as aforesaid; and shall also record all official letters, acts and proceedings by him in a book to be kept in his office therefor, and shall make and keep in his office a full registry and index thereof.

Duties.

§ 4. *Be it further enacted,* That it shall be the duty of the Comptroller of this State, to examine, audit, adjust and settle the accounts of all the officers of this State, and any other person or persons, or corporation, in any wise intrusted with, or who may have received any property funds or moneys of this State, or who may be in anywise indebted or accountable to this State for any property funds or moneys, and require such officer, person, or persons, or corporation, to render full accounts thereof, and to yield up such property or

To audit, &c.,

funds according to law, or pay such moneys into the Treasury of this State, or to such officer or agent of the State as may be appointed to receive the same, and on failure so to do, to cause to be instituted and prosecuted proceedings criminal or civil at law, or in equity against such person, or persons, or corporation according to law. 1845.
acc't of off'rs
and others.
When to insti-
proceedings.

§ 5. *Be it further enacted*, That the Comptroller of this State may demand and require full answers on oath from any and every person, party or privy to any account, claim or demand against or by the State, such as it may be his official duty to examine into, and which answers he may require to be in writing and to be sworn to before himself or before any Judicial Officer, or justice of the peace, or clerk of any Court of the State, so as to enable such Comptroller to decide as to the justice or legality of such account, claim or demand. Oath of claim-
ant.

§ 6. *Be it further enacted*, That the present fiscal year shall commence on the day the Comptroller to be elected by the present General Assembly, shall enter on the duties of his office, and shall end on the thirty first day of October, 1846 ; and the fiscal years of this State shall thereafter commence on the first day of November and shall end on the 31st day of October in each and every year ; and every Warrant issued by the Comptroller of this State, shall be numbered in chronological order in each fiscal year, commencing at Number One ; and every Warrant shall refer to the Comptroller's report by the number thereof, which report shall also be numbered as aforesaid, and said Warrant shall also state the name of the original creditor and the different transferees, and refer to the particular act or resolution, and section thereof, on which it is issued, and the head of expenditure to which the same is chargeable, and the amount allowed shall be stated in words at length ; and no Warrant shall ever be issued until the same has been authorized by act or resolution of the General Assembly. Present and fu-
ture fiscal years
when begin and
end.
Warrants issu-
ed to state,
No warrant to
issue without
act or res. of
Gen. Ass'y.

§ 7. *Be it further enacted*, That the Comptroller of this State shall procure a seal with such appropriate device as the Governor of the State may direct, which shall be used as the seal of the office of Comptroller of the State of Florida. Seal.

§ 8. *Be it further enacted*, That the office of Comptroller of this State, and the books, files, documents, records and papers, shall always be subject to the examination of the Governor of this State, or any person or persons he may authorize to examine the same ; and that the Comptroller shall make monthly returns in writing of all his official proceedings, to the Governor, on the first Monday of each month, and oftener if required ; and shall also on the first day of November, in each and every year, make a full report of all his official acts and proceedings for the last fiscal year to the Governor to be laid before the General Assembly with his first message. Books to be
subject to ex-
amination of
Governor.
Returns when
made.

§ 9. *Be it further enacted*, That the Comptroller's Office shall be examined at each session of the General Assembly by a Joint Committee of three members from each House, who shall report to their

1845.

Office of, how
and when ex-
amined.

To discharge
duties of Audi-
tor of Ter'y
and keep books
&c. thereof,
separate.

respective Houses the condition of said office, and whether the Comptroller has discharged his duties strictly according to law.

§ 10. *Be it further enacted*, That the Comptroller of this State shall exercise and perform all the powers and duties of the Auditor of Public accounts under the laws of the Territory of Florida ; that all the books records, papers, files and documents in or appertaining to said office of Auditor of Public Accounts, shall be delivered to the Comptroller of this State, and deposited in his office, and be in his custody, keeping and care ; and that the said Comptroller shall proceed to exercise all said powers and perform all said duties in respect to all accounts, claims or demands against or by the Territory of Florida, keeping his acts and proceedings with respect thereto separate and distinct from those of the State and making full report thereof as directed by the laws of the Territory.

His duty in re-
lation to fines,
forfeitures, &c.

§ 11. *Be it further enacted*, That it shall be the duty of the Comptroller forthwith upon entering on the duties of his office, to cause a strict enquiry and examination to be made either by himself or by such other person, or persons, as he may appoint in each and every county of the State, into the records of the several Courts of this Territory as to all fines, forfeitures, recognizances or costs or other moneys due to the Territory of Florida from any District Attorney, Clerk, Marshal, Sheriff, or other officer, person or corporation, and to require report thereof to be made to him by such District Attorney, Clerk, Marshal Sheriff, or other officer, person, or corporation ; and also to enquire and examine into all the accounts, returns or reports of all officers of the Territory, or other persons, or corporations indebted or accountable in anywise to the Territory, and forthwith proceed to have such account settled and paid according to law.

Form of papers,
returns, &c.

§ 12. *Be it further enacted*, That the Comptroller of this State and Attorney General thereof may prescribe the forms of all papers, vouchers, reports, returns, and the manner of keeping the accounts and papers to be used by the officers of this State, or other persons having accounts, claims or demands against the State, or entrusted with the collection of any of the revenue thereof, or any demand due the same which form shall be pursued by such officer or other persons.

Copies, when
evidence.

§ 13. *Be it further enacted*, That the Comptroller of this State may certify under his seal of office, copies of any record, paper, or document, by law placed in his custody, keeping and care ; and such certified copy shall have the same force and effect as evidence as the original would have.

On his leaving
state, resigna-
tion, &c.
Vacancy.

§ 14. *Be it further enacted*, That it shall not be lawful for the Comptroller of this State to leave the State without the written permission of the Governor thereof ; and his departure from the State without such permission shall be taken as a resignation, of his office, and the vacancy shall be forthwith filled, according to law, and his salary shall thereupon cease ; and the Governor, on the

1845.

said Comptroller leaving the State with such permission, may appoint a Comptroller ad interim to act until his return.

ad interim.

§. 15. *Be it further enacted*, That the Comptroller of this State shall receive an annual salary of eight hundred dollars per annum, payable quarter yearly at the Treasury of the State, on the first day of January, April, July and October, in every year on certificate of the Governor of the State to the said Comptroller, upon which he may issue a warrant in his own favor.

Salary, when & where paid.

[Passed the Senate, July 15th, 1845. Passed the House of Representatives July 17th, 1845. Approved by the Governor, July 23d, 1845.]

CHAP. 9. [No. 9.] An ACT to organize the office of Treasurer of the State of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That the Treasurer of the State, elected in pursuance of the provisions of the Constitution, shall receive all monies which shall from time to time be paid into the Treasury of this State.

To receive monies paid into Treasury.

§ 2. *Be it further enacted*, That the Treasurer shall, within ten days after he receives notice of his election, and before he enters upon the execution of his office, give a bond to the State of Florida, in the sum of fifty thousand dollars, with not less than four sufficient sureties, to be approved by the Governor, conditioned that he will faithfully execute the duties of his office, and shall take and subscribe an oath or affirmation, faithfully to discharge the duties of his office, which bond and oath or affirmation shall be deposited in the office of the Secretary of State.

Bond.

Oath.

§ 3. *Be it further enacted*, That such bond shall be deemed to extend to the faithful execution of the office of Treasurer, by the person elected thereto, until a new appointment of Treasurer be made, and a new bond given under such appointment.

Bond, extent thereof.

§ 4. *Be it further enacted*, That after such appointment shall have been made, and such new bond given, upon the filing in the office of the Secretary of State of a certificate from the committee, who shall have examined and settled the accounts of the Treasurer of the preceding year, expressing that such accounts are regularly stated and balanced, and that the balance, if any there be, in moneys, securities, and other effects, is actually in the Treasury, or deposited as by law may be directed, the bond given by such Treasurer and his sureties shall be discharged and delivered up to be cancelled.

Bond how discharged and cancelled.

§ 5. *Be it further enacted*, That the Treasurer shall pay all warrants drawn by the Comptroller on the Treasury and no moneys shall be paid out of the Treasury except on warrant of the Comptroller.

Shall pay all warrants, &c

1845.

Exhibit bal-
ance in Treas'y
when and how.

§ 6. *Be it further enacted*, That the Treasurer shall exhibit to the Legislature at its annual meeting, an exact statement of the balance in the Treasury to the credit of the people of this State, with a summary of the receipts and payments of the Treasury during the preceding year.

Term of office. § 7. *Be it further enacted*, That the said Treasurer shall enter upon the duties of his office on the first Monday in August, 1845, and continue in office until his successor is elected as provided for in the 23d section of the 3d Article of the Constitution of the State of Florida, and receive for his services an annual salary of eight hundred dollars.

Accounts of,
when closed
and how and
when examin'd

§ 8. *Be it further enacted*, That the accounts of the Treasury shall be annually closed on the 30th day of November, and shall be examined in the month of December in each and every year, by a Committee of not less than three Members of the House of Representatives, and not less than two of the Senate, to be appointed by concurrent resolutions of the two Houses, in General Assembly convened, at the Session previous to the month of December in each year.

How com'tee
shall make ex'n
and report.

§ 9. *Be it further enacted*, That such Committee shall examine the accounts and vouchers relating to all moneys received into and paid out of the Treasury during the fiscal year ending on the 30th day of November preceding such examination, and shall certify and report to the Legislature at its next session, the amount of moneys received into the Treasury during such year, the amount of moneys paid out of it during the same period, by virtue of warrants drawn on the Treasury by the Comptroller, the amount of moneys received by the Treasurer who shall be in office at the time of such examination, when he entered on the execution of the duties of his office, and the balance in the Treasury on the 30th day of November preceding such examination.

Com'tee shall
compare war-
rants with laws
&c.

§ 10. *Be it further enacted*, That said committee shall also compare the warrants drawn by the Comptroller on the Treasury, during the year ending on the said 30th day of November, preceding, with the several laws under which the same shall purport to have been drawn, and shall in like manner certify and report whether the Comptroller had power to draw such warrants and if any shall be found, which in their opinion he had no power to draw, they shall specify the same in their report with their reasons for such opinion.

Maj. of Com. to
perform duties.

§ 11. *Be it further enacted*, That the major part of the members of such committee may perform all the duties required by law of said Committee.

Office, where,
and when to be
open.

§ 12. *Be it further enacted*, That the Treasurer shall keep his office in the city of Tallahassee, in a room to be designated by the Governor on the lower floor of the capitol, that said office shall be open in person by the Treasurer every day, (Sundays, holidays and public festivals excepted,) from 10 o'clock, A. M., to 3 o'clock, P. M.

1845.

§ 13. *Be it further enacted*, That the Treasury certificates shall be paid out of moneys legally appropriated and applicable by law thereto, and in the Treasury in the order of their respective numbers. *Provided, however*, That the salaries of the officers of the Executive Department, and of the Attorney General and Solicitors of the different circuits shall not be paid until all legal and just claims against the Treasury prior in date and which have been presented for settlement are paid.

[Passed the House of Representatives, July 24, 1845. Passed the Senate, July 25, 1844. Approved by the Governor, July 26, 1845.]

CHAP 10. [No. x.] An ACT to raise a Revenue for the State of Florida, and defining the duties of the assessors and collectors thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That a State tax when assessed and collected and paid into the Treasury of this State, in each and every year, on all such persons and property, and in such manner as shall be hereinafter mentioned and prescribed, provided that this act shall not be so construed as to authorize the assessing and collecting of any tax on the property or estate, real or personal, of any religious denomination, any institution for charitable purposes, or public schools for the education of youths, or on lands belonging to the United States.

§ 2. *Be it further enacted by the authority aforesaid*, That on all first rate land, there shall be assessed and collected a tax of three fourths of a cent, upon each and every acre; upon all second rate land, there shall be assessed and collected a tax of half a cent, upon each and every acre; and upon all third rate land, there shall be assessed and collected a tax of one fourth of a cent, upon each and every acre.

§ 3. *Be it further enacted*, That upon all unimproved lots, within the limits of any town, ville or city in this State, there shall be assessed and collected a tax of ten cents, upon every hundred dollars value thereof; and upon all improved lots within the limits of any town, ville or city, in this State there shall be assessed and collected a tax of ten cents, upon every hundred dollars value thereof, including the improvements thereon and on every wharf rented out or for which fees are received for wharfage, twenty cents on every hundred dollars valuation thereof.

§ 4. *Be it further enacted*, That upon every slave, there shall be assessed and collected a tax of thirty-seven and a half cents; and upon every free man of color, over the age of twenty-one years, and under the age of sixty years, there shall be assessed and collected a tax of three dollars.

§ 5. *Be it further enacted*, That upon all merchants vending goods, wares and merchandize, not the growth or manufacture of this State, there shall be assessed and collected a tax of

1845.

twenty cents on every hundred dollars of stock in trade, on the first day of January in each and every year; *Provided*, That for the present year, reference shall be had to the stock in trade on the first day of December, 1844. *Provided*, That nothing herein contained shall be so construed as to subject cotton to taxation. Upon all tavern-keepers and inn-keepers, in a ville, town, or city, a tax of ten dollars; upon all retailers of spirituous or vinous liquors, in quantities less than one quart, and all bars and restaurants, a tax of thirty dollars. Upon all billiard tables, a tax of twenty-five dollars, and upon all ten-pin-alleys, ten dollars, upon all public shows and exhibitions, a tax of five dollars, for each and every exhibition a license to authorize such exhibition shall be first obtained from the sheriff of the county where such exhibition shall be offered, and in case of refusal or neglect on the part of any person or persons thus exhibiting, so to do, he or they shall on conviction thereof, be subject to a fine of twenty dollars, for each and every such offence. Upon all hawkers and pedlars, a tax of twenty dollars per annum for each and every county in which he or they may offer goods for sale: *Provided*, That persons peddling books and charts only, be, and they are hereby exempt from such taxation; upon each and every Itinerant trader, who shall offer for sale any goods, wares or merchandize in any county of this State, the sum of one hundred dollars for each county as he may so offer to sell in, and a license so to sell shall first be obtained from the Sheriff of the county, or Clerk of the Circuit Court; and in case of failure so to do, they shall be liable to double tax, to be collected in a summary manner before any court having jurisdiction of the same; upon all sales at auction, a commission of two per cent., except sales under and by virtue of any execution at common law, decrees in chancery, or of any property belonging to the State, or any county thereof, or by any Executor, Administrator or Guardian in relation to property sold by them in that capacity; upon all commission merchants and factors, a commission of one half per cent. on the actual commissions received by them. Upon all money loaned at interest, a tax of twenty cents on every hundred dollars so loaned or kept at interest. Upon all shares of bank stock, and shares in incorporated companies, a tax of twenty cents on every hundred dollars value thereof, and upon all Bank agencies and Insurance Companies the sum of one hundred and fifty dollars.

§ 6. *Be it further enacted*, That upon all four-wheel pleasure carriages, and sulkeys there shall be assessed and collected a tax at the rate of fifty cents on every hundred dollars valuation thereof.

§ 7. *Be it further enacted*, That upon all practising lawyers and doctors, there shall be assessed and collected at the rate of twenty cents on every hundred dollars of their professional income in each year.

1845.

§ 8. *Be it further enacted*, That upon all cattle belonging to citizens of this State, over one hundred head, there shall be assessed and collected a tax at the rate of fifty cents on every hundred head over that number, and a like tax shall be assessed and collected on all cattle owned by non-residents of this state, do. belonging to non-residents shall have their marks and brands recorded in the county where their stock shall range, and on failure to have such marks and brands recorded, shall be liable to have such cattle doubly taxed, Brands, &c., to be recorded. Double tax, when, &c. or if they shall fail to give in to the assessor all such cattle brought in to any county of this state for range, such cattle shall be liable to be doubly taxed.

§ 9. *Be it further enacted*, That there shall be an Assessor of the Revenue appointed yearly by the General Assembly, and commissioned by the Governor of this state for each and every county in this state, who shall before he enters upon the duties of his office, enter into bond with two good and sufficient securities in the sum of five hundred dollars, payable to the Governor of this state, and his successors in office, to be approved by the board of county commissioners, and shall take an oath diligently and faithfully to perform the duties of his office as required by this act; and the bonds so taken shall be forwarded to the comptroller of the treasury of this state, to be filed and kept in his office, and to be produced as sheriff and tax collector's bonds are for default or neglect of duty. Tax Assessors, when and how appointed. Bond. How approved. Oath. Where bond to be filed. How prosecuted

§ 10. *Be it further enacted*, That it shall be the duty of the Assessors, so appointed and qualified in each county in this state, to proceed immediately after the first day of January in each and every year, to take down and assess the taxable property in his county as prescribed in this act; and on or before the first day of March to make out three books in alphabetical order of all the taxable property in his county, one of which books he shall forward to the comptroller of the Treasury, one other of said books he shall deliver to the sheriff of his said county, and the other book he shall deliver to the board of county commissioners of his said county. *Provided*, That this present year the assessors in each county shall proceed forthwith after having complied with the requirements of the ninth section of this act to assess the taxable property in their respective counties, and shall make returns as prescribed in this section, on or before the first day of October. Duties of tax assessors. Proviso.

§ 11. *Be it further enacted*, That if any Assessor of the Revenue shall presume to execute the duties of his office before he shall have executed bond with security, and the same shall have been approved and before he shall have been fully qualified as prescribed in the ninth section of this act, his acts shall be null and void, and he shall be liable to be indicted for a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding two hundred dollars, and imprisoned for a length of time not exceeding two months, at the discretion of the jury. Acts of tax assessors, before giving bond & qualified. Penalty therefor.

§ 12. *Be it further enacted*, That any person who shall on the

1845.

Duty of persons having taxable prop'ty in their own right or otherwise.

first day of January in each and every year, be possessed of any property, real or personal, which may be subject to taxation [as provided in this act, either as agent, attorney, administrator, Executor, Guardian, or parent, or in his or her own right, or in right of his wife, shall render to the Assessor of the Revenue in the county where such property is found or situated, a true and perfect list thereof in the manner directed by this act, and the person rendering such list shall be liable for all taxes which may be assessed thereon; and any person who shall sell or convey away any property, either real or personal, of which he or she was possessed on the first day of January as aforesaid, shall render in the same in his or her list of taxable property for that year, and be liable to pay the tax on the same, as if the said property had not been sold or conveyed away.

Owners of property 1st Jan'y in each and every year to be liable for taxes thereon.

List of taxable property to be rendered to assessor in which it lies, &c.

§ 13. *Be it further enacted*, That it shall be the duty of every person to render to the Assessor of taxes in the county in which such property lies, a correct list of all the taxable property he, she or they own in said county, or may be possessed of liable to taxation, as provided in this act; which list shall contain an enumeration of all such property in his, her, or their possession, as aforesaid, within said county; and in the list of lands, a particular description of the situation and quality of the same, and to which class it belongs and also such lots in any town, city, or ville, with the description thereof and the improvements thereon and such as are unimproved also the amount of his, her or their stock of goods in trade, on the first day of January and of money loaned out at interest shares of bank stock and shares in incorporated companies, cattle and all other property and things subject to taxation, as provided for in this act, next preceding the time of rendering such list; and the Assessor shall state in the last columns of his Book the total amount of taxes due from such person.

Am't of tax due from each person

Double tax.

§ 14. *Be it further enacted*, That in case any person shall neglect or refuse to deliver to the Assessor, within the county in which such property subject to taxation lies, a list of all the property he, she or they own, or hold in possession, in said county, as prescribed in this act, within the time limited for taking such list of taxable property, the person or persons so refusing, or neglecting shall pay double tax on all such property as he, she or they may possess or hold in possession according to the best information concerning the same which the Assessor can obtain; and every person rendering a list of his, her or their property liable to taxation, shall certify under oath that the list contains a true and correct description and account of all the property, real and personal, subject to taxation according to the provisions of this act of which he or she is possessed in the county of either in his or her own right, or in right of his wife, or as agent, attorney, executor, administrator or guardian, or for the use of any other person or persons whatsoever; and any person who shall possess taxable property in any county other than the one where he or she resides, and shall have no agent or attorney therein, shall transmit a list of such

List to be sworn to.

Prop'y out of county in which owner resides.

1845.

property, certified as aforesaid, to the Assessor of the county where such property lies, but if the county line shall run through any tract of land whereupon any person resides, the owner or proprietor shall give in the same and all the property subject to taxation thereon, to the Assessor of the county where such owner, proprietor, agent, &c., resides; and any person who shall refuse, or neglect to comply with any of the requisitions herein contained, shall be doubly taxed in manner aforesaid; Nevertheless, it shall be the duty of the Assessor diligently to seek out and list all the property liable to taxation in his county, to the best of his skill and ability.

Co. line running thro' tract, &c.
Non comply. &c., penalty.
Duty of Ass'r.

§ 15. *Be it further enacted*, That it shall be the duty of every Assessor of taxes, to complete the list of the taxable property in his county, and make out the books in the time prescribed in the 10th section of this act; and if any Assessor of taxes shall make out a false list and books of the Assessment of taxes in his county, with the intent to defraud the Revenue of this State, such Assessor, so offending, shall, on conviction, for every such offence, forfeit and pay the sum of not less than five hundred dollars, and be imprisoned not less than two months, at the discretion of the Jury.

List and returns when to be made.
False list and books.

§ 16. *Be it further enacted*, That the Assessor of taxes shall have the power, and it shall be his duty to assess any taxable property that may come into his county between the first day of January and the first day of March, under the same rules and regulations as are provided in other cases: *Provided* that such property shall not have been assessed in any other county of this State.

Prop. coming in co. between,

§ 17. *Be it further enacted*, That if the tax Assessor shall fail to execute his bond as prescribed in this act, or if executed it shall not be approved or if from any cause whatever the taxes of any county in this State shall not be assessed agreeably to the provisions of this act by the first day of March, it shall be the duty of the Sheriff of such county to proceed forthwith from the date of such defalcation to assess and list the taxes of such County: and in all counties of this State wherein the taxes have not been assessed as prescribed in this act by the first day of March it shall be the duty of the Sheriff of every such county where such defalcation has occurred to proceed forthwith to have the taxes assessed in such county in the same manner as the Assessors are required by this act to perform such duty and to do and perform all such acts and duties as are herein prescribed for the county Assessors to do and perform, and to receive the same emoluments and compensation as are allowed to county Assessors.

When sheriff to perform duties of assessor.
Compensation.

§ 18. *Be it further enacted*, That the County Assessors, in each and every County in this State shall be entitled to receive for assessing the Revenue of his county and performing the duties prescribed in this act in relation to the assessment of the Revenue eight per cent commission upon all sums under one thousand dollars, upon all sums over one thousand and under three thousand four per cent, upon all sums over three thousand dollars two per cent no the amount of assessment of his County as shall appear on

Comp'n of as'srs.
How paid.

1845.

When not.	his book of returns; to be paid by the Sheriff of his County on or before the first day of October; but if he fails to comply with the duties in this act prescribed, or shall perform them in a careless, loose, and inadequate manner his compensation shall be withheld or may be forfeited, as the Board of County commissioners of his County may determine, when they meet to certify the Sheriff's lists of insolvencies and overcharges, &c.
Sheriff <i>ex-off.</i> Tax collector.	§ 19. <i>Be it further enacted</i> , That the Sheriffs of the several counties in this State, shall be ex-officio collectors of the taxes in their respective counties, as well for county as State purposes; and each and every Sheriff in this State shall, before he proceeds to the collection of the taxes in his county, execute a bond, payable to the State of Florida with two or more good and sufficient securities, to be approved by the Board of county Commissioners of such county, in double the amount of the taxes assessed in such county agreeably to the tax book returned; which said bond shall be in addition to such Sheriff's official bond, and shall be conditioned for the faithful collection and payment of the taxes for his county, as herein-after prescribed and directed in this act, and shall be transmitted by the said Board of county commissioners of such county, with the Assessors bond, to the Comptroller of the Treasury of this State, to be filed for safe-keeping in his office.
Bond.	
By whom ap'd.	
Condition.	
Census.	§ 20. <i>Be it further enacted</i> , That the assessors of the Revenue in each and every county in this State, when commissioned and qualified agreeably to the foregoing provisions of this act shall also make an enumeration of all the inhabitants of their respective counties, distinguishing the free white inhabitants, slaves and free persons of colour therein residing. And the same shall be made by actual enquiry at every dwelling-house of some white member of the family of the age of fifteen years or upwards or by personal enquiry of the head of every family. The said enumeration shall be taken down separately from the assessment of taxable property, hereinbefore directed to be made and one copy of the same shall be forwarded to the Secretary of State, and another copy thereof shall be filed in the office of the Board of county Commissioners of each and every county taking a receipt for the same, and for the faithful performance of the duties required of the said Assessors by virtue of this section he shall be entitled to receive as compensation therefor for the first thousand five cents; all over one thousand and under
How taken.	three thousand three cents, and all over three thousand two cents; all counties having under five hundred eight cents per head on each inhabitant of their respective counties, so enumerated and the Treasurer of the State is hereby authorized and directed to pay to the several persons appointed under this act, the amount which may appear due to each upon the certificate of the Secretary of State, to be approved by the Governor, that the said duties have been faithfully performed, and in case any assessor so appointed, shall fail or neglect to perform the duties required of him by this section, the Sheriff of such county shall perform the same, at such time as he may assess the taxable property of his county, as requi-
Compensation.	
Sher. to take census, &c.	

red by the 17th Section of this Act. And the said Sheriff shall be entitled to the compensation, (under the same rules and regulations) as is herein allowed to the Assessor of the Revenue for making said enumeration. His compensation

§ 21. *Be it further enacted*, That each and every Sheriff or Tax Collector in this State, shall before he enters upon the duties of his office, in addition to the oath¹ prescribed by the Constitution, take and subscribe the following oath before a Justice of the Peace of such county : “I, A B, do solemnly swear (or affirm) that I will faithfully collect the taxes assessed in

county, and should it come to my knowledge that any property or subject of taxation in my county has not been assessed according to law, I will assess and collect the tax on the same, and pay over all moneys collected by me, as prescribed by law; and will well and truly discharge my duty as Sheriff or Tax Collector for my said county, as prescribed in this act or may hereafter be prescribed by law, to raise a Revenue for the State of Florida, to the best of my skill and ability, so help me God!” Which said oath shall be endorsed on the back of the said Sheriff’s bond, given and approved as aforesaid, and sent with said bond to the Comptroller of the Treasury of this State. And any Sheriff who shall collect any tax in his county before he shall have executed the bond, and taken the oath as hereinbefore described and directed, shall be deemed guilty of a high misdemeanor, and liable to indictments, and on conviction thereof, shall be fined in a sum not less than double the amount of taxes so improperly collected, and imprisoned not less than two months, at the discretion of the jury; and moreover, shall be dismissed from the office of Sheriff of his county, and shall never thereafter be capable of holding the office of Sheriff or Tax Collector in any county in this State. Oath.

§ 22. *Be it further enacted*, That no person shall be eligible or capable of filling the office of Sheriff, or Tax Collector, in any county in this State, who is a public defaulter, or who shall be indebted to the State for money collected by such person, which by law ought to have been paid into the Treasury of the State. When guilty of misdemeanor.

§ 23. *Be it further enacted*, That it shall be the duty of the Sheriff, duties Sheriff in the several counties of this State, after being duly qualified, as hereinbefore directed, to receive a book, or copy of the Assessor’s tax returns, and to give a receipt to the Board of County Commissioners of such county for the same, and after the first day of March to proceed [to the collection of the taxes in their respective counties, and to attend at least twice, at or near the muster-ground in each Captain’s district, and at the election precinct’s in their respective counties, and three additional days at the Court House of their respective counties, giving ten days previous notice of such attendance, by posting up notices at the most public places in their said counties, for

1845.

Sheriff, his duties as tax col'r.

the purpose of affording all who have not previously paid their taxes, an opportunity of doing so. And it shall be the duty of every person liable to pay taxes, under the provisions of this act, to pay the same to the Sheriff in the county wherein the assessment has been made, on or before the first day of October in each and every year.

Sheriff, his powers as tax collector.

Distress and sale when and how made, &c.

§ 24. *Be it further enacted*, That the sheriffs of the several counties in this State, shall have power, and they are hereby authorized and required, from and after the first day of October in each and every year, to make distress and sale of goods and chattels, lands and tenements, of all delinquents who shall not have made payment of the taxes due for that year. *Provided*, that notice of such sale shall be given by advertisement, at the door of the Court House of the proper county and at least two other public places within the county, at least ten days previous to the day of sale, where the distress shall be of goods and chattels; and where the delinquent has no goods and chattels within the county then the lands and tenements of said delinquent within the county, may be sold by the sheriff, or so much thereof as shall be sufficient to pay and satisfy the amount of taxes due from such delinquent, together with all costs and charges arising thereon: *Provided always*, that the sheriff shall give in the nearest newspaper published in the State at least three months notice previous to the sale of any real estate, and in case of non-residents, at least six months notice of the time and place of such sale, which notice shall contain a particular description of the lands and tenements for sale, and what water course situated on, and by what lands the same are bounded, and by whom the same may be owned or claimed; and when real property is sold, the sale shall always be at the Court House of the proper county, and there shall not be sold in one lot more than forty acres of land; but if one lot shall not sell for the amount of taxes due from the delinquent, together with all costs and charges that shall have accrued thereon, the sheriff shall sell as many more lots or parts of lots as shall raise the full amount due but in no case shall he sell any more land than shall be sufficient to raise such sum as shall be due; and the sheriff shall be entitled to demand and receive from each delinquent, whose property shall have been advertised as aforesaid, in addition to his compensation for collecting the taxes, a commission of five per centum upon the amount raised, or to be raised by such sale, and when he shall sell real property, he shall receive two dollars for each deed of conveyance; *Provided*, that the person or persons whose lands may be sold for the taxes under this act, shall have

Deed.

Right to redeem how and when.

a right to redeem the same at any time within one year after such sale shall have been made, and the legal Representatives of any person who may die within the said year, shall within one year after the death of such person, have the right to redeem such lands by repaying to the purchaser doubly the amount by him paid; and provided also, that if the land of any person under legal disability be sold the same shall be redeemed at any time within one year after such

1845.

disability be removed, upon repaying doubly the amount that the purchaser may have paid with interest until the time of redemption, and the sheriff shall in all cases, upon receiving the amount of taxes due from any person or persons, give a receipt for the same, and the property taxed and the total amount of tax received.

§ 25. *Be it further enacted*, That the taxes imposed by virtue of this act shall be preferred to all Judgments, Executions, in-Lien. cumbrances and securities whatsoever, and if any person between the time of rendering a list of his or her taxable property to the assessor, and the time to which the sheriff shall be authorized to make distress, shall be about to remove without the limits of his county, the sheriff upon his receiving information thereof, shall immediately make distress of the goods and chattels of the person so about to remove, sufficient to satisfy the amount of taxes that he or she may owe, and sell the same upon giving the notice hereinbefore mentioned in cases of goods and chattels and all taxes assessed on any person or persons under this act, shall be a lien upon his real property lying within the county in which the assessment was made, from the first day of January of that year.

§ 26. *Be it further enacted*, That any Sheriff who shall sell any real estate to satisfy any tax imposed by lawful authority, shall execute to the purchaser, or purchasers thereof, a deed of conveyance, which deed shall be good and effectual to vest in the purchaser or purchasers all the right, title, interest, claim and demand whatsoever, of the person from whom such taxes are due, which he or she had in and to such real estate, either in law or equity, and deliver to him or them immediate possession thereof; and in every such deed the sheriff making the same shall recite the consideration, and that the real estate thereby conveyed was sold for taxes; but no deed, executed in manner aforesaid, shall be recorded until the expiration of one year from the date thereof, but may nevertheless be proved, and if the person whose estate may have been sold and conveyed as aforesaid, or his or her heirs, executors or administrators, or his, or her agent or attorney shall, within the year, tender to the purchaser or purchasers, or his, her or their heirs, executors or administrators, or his, her or their agent or attorney, or in case of his, her, or their absence from the State, then to the sheriff who sold and conveyed such real estate, the consideration money paid for the same, and the amount of all subsequent taxes that shall have been paid on such real estate, with interest on all such sums from the dates of such payment at the rate mentioned in the twenty fifth section of this act until such tender be made, then the deed executed for such real estate, thus sold and conveyed, shall be thereby vacated and made void, and the deed given up.

§ 27. *Be it further enacted*, That in all cases where there shall be any property liable to taxation in any of the counties, and there shall be no owner or other person having charge of the same, it shall be the duty of the assessor to return the same from the best information that he can obtain, and such return shall be sufficient to

1845.

Sher. to collect
taxes.

Taxable prop'y
omitted to be
assessed.

authorize the Sheriff to proceed to collect the taxes due on said property, in the manner specified in the foregoing section.

§. 28. *Be it further enacted*, That if the Assessor of taxes in any county in this State, shall have omitted or neglected to assess the taxable property, or any part thereof, within his county, it shall be the duty of the Sheriff to assess and make due and full return of all such taxable property omitted or neglected to be assessed, and to collect and account for the same as other taxes are directed to be collected and accounted for by this act; and if for any cause whatever the taxable property of any county in this State, shall not be assessed as directed in this act by the first day of March in each and every year it shall be the duty of the Sheriff of every such county, where no assessment has been made to proceed forthwith to assess and make return of all such property liable to taxation, in the same manner as the Assessor should have done, and to receive the same compensation that the Assessor was entitled to receive; and then to collect and account for the same as is provided in other cases for the collection and payment of taxes by this act.

Persons remov-
ing to another
county.

§ 29. *Be it further enacted*, That when any person or persons liable to pay taxes, shall after having been assessed, remove from the county in which he, she or they may have been so assessed not having paid his, her or their taxes, it shall be the duty of the Sheriff of the county in which such person or persons were assessed to send, certified under his hand, a transcript from his tax book to the Sheriff of the county where such delinquent or delinquents may have removed, who is authorized upon the receipt of such transcript to proceed to collect the money by distress and sale, or otherwise, and immediately upon receiving the same, to transmit the amount so collected to the sheriff, who sent the certified transcript; for which service the Sheriff making the money shall receive the compensation allowed by law for similar service.

Special term of
b'rd co. com'rs.

Insolencies.
Overcharges.

§ 30. *Be it further enacted*, That a Board of County Commissioners of each and every county in this State shall in the month of September in each and every year, hold at their respective county seats a special court or session, for the purpose of examining the lists of insolencies and overcharges that may be returned by the sheriffs of their respective counties, and shall certify such allowance as may appear just and right to the Comptroller of the Treasury, who shall allow the same so certified to the Sheriff in the settlement of his accounts; The said court or board shall have power to grant relief to all such persons as may have been over charged or improperly taxed in any way or manner whatever; and the said court or board shall have power in the settlement of the sheriffs accounts, to certify a sum not exceeding the commissions allowed in the eighteenth section to the Assessor on the total amount of his assessment, which compensation the Sheriff shall pay to the Tax Assessor, and which shall be allowed him as a credit in the settlement of his account with the Treasury Department, together with a sum not exceeding five per centum upon all moneys collect-

ed and paid by him into the Treasury of this State, on or before the fourth Monday in November in each and every year.

§ 31. *Be it further enacted*, That it shall be the duty of the Settlement by Sheriffs in the several counties in this State, to settle their accounts with the Comptroller of the Treasury, who shall allow all their proper credits and deductions as certified by the Board of County Commissioners of their respective counties, as provided for in the foregoing section, and certify the balance due the Treasury from such Sheriff, who shall pay the same into the Treasury of this State, on or before the fourth Monday of November in each and every year. And every Sheriff or person charged with the collection of the public Revenue, who shall fail to pay into the Treasury all moneys collected and due by them, on or before the fourth Monday of November in each and every year, as prescribed by law, or who shall fail or neglect to collect the Revenue of their respective counties, on or before the day as hereinbefore prescribed, shall forfeit their commission on such collection and be liable to pay a fine of five per cent. per month, until the whole Revenue, of which such Sheriff is charged with the collection, shall be paid into the Treasury of the State. And moreover, it shall be the duty of the Comptroller of the Treasury, within twenty days after the default of any and every Sheriff in this State, to certify to the Solicitor of the District in which such defaulting Sheriff resides, an authenticated copy of such Sheriff's bond, with a statement of his account, showing the balance due by such Sheriff to the Treasury, and such copy under the hand and seal of the Comptroller, shall be received as evidence in any court of law or equity in this State in the same manner as the original would be in any suit brought on such bond, and it shall be the duty of such Solicitor on the receipt of such authenticated copy and account, to apply to the Circuit Court of the Circuit in which said Sheriff shall reside, for a Rule against him, to shew cause within ten days after service thereof, why he should not pay over to the said Solicitor, for, and on behalf of the State, such balance so shown to be due; and the said Circuit Judge shall issue such rule either in term time or vacation, and proceed therein as in other cases of money collected by the Sheriffs under execution or other process; and in default of collection by said Rule, to cause process to issue against such defaulting Sheriff and his securities upon his bond, returnable to the next term of the Court of his county, at which term, judgment shall be rendered in a summary way against such defaulting Sheriff and his securities at the first term of the Court; and said bond shall not be void on the first recovery, but may be put in suit and prosecuted from time to time, until the whole penalty thereof shall be recovered.

Pen'y for failure.

Duty of Comp.

Certified copy of Bond and account.

Rule—suit—judgment.

§ 32. *Be it further enacted*, That the Board of County Commissioners shall between the first day of January and first day of March in each and every year, levy a county tax, which

County Tax.

1845.

Co. tax—how
ass'd and col'd.

shall be appropriated to discharge the demands on their respective counties, upon the same persons and species of property, as are subject to State tax, according to the assessment of that year, but the tax so levied shall not exceed fifty per cent. upon the amount of the State tax, and the same shall be assessed and collected by the same persons in each county, and at the same time, and in the same manner that the taxes of the State are assessed and collected, and shall be paid into the hands of the county Treasurer at the same time that the State taxes are required to be paid, and shall be, in all respects under the same regulations and restrictions, which by law, are provided for the due assessment, collection and payment of the State tax, and the assessor and Sheriff shall be allowed the same compensation for assessing and collecting the county tax, as for the State tax: *Provided*, That for the present year, the State tax may be assessed and collected as soon as may be, after the passage of this act, and shall be paid into the Treasury on or before the first day of December next.

Corpor'n taxes.

§ 33. *Be it further enacted*, That the several incorporated towns in this State may and they are hereby authorized to levy and collect a tax for corporation purposes upon all the kinds of property and subjects of taxation recognised by this act as subjects of State taxation; *Provided*, The tax so assessed and collected by the authority of any incorporation in this State shall not exceed fifty per centum upon the amount of the State Tax; *Provided*, however, that this act shall in nowise prevent any city or incorporated town or county, from Levying a tax upon all such property or subjects of taxation as is not mentioned as taxable in this act.

[Passed the Senate, July 18th, 1845. Passed the House of Representatives, July 15th, 1845. Approved by the Governor July 24th, 1845.]

CHAP. 11. [No.xi.] An ACT to organize a Board of County Commissioners, in the several Counties of this State.

B'rd co. com'r's
elected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That the qualified voters of the respective counties of this State shall, on the first Monday in October, 1845, proceed to elect by ballot, four suitable persons to the office of Commissioners, in, and for said counties, to be styled, "The Board of County Commissioners," to hold their office for the term of two years from the date of their Commissions, who shall exercise all the powers, and perform all the duties which by the Laws of the Territory, appertain to the County Courts when sitting for County purposes.

Term of office
—powers and
duties,

Pay.

§ 2. *Be it further enacted*, That said Commissioners when in actual session for the purpose of transacting business pertaining to their office shall be entitled to vote themselves such pay as they

1845.

may deem fit, not to exceed however two dollars per diem to be paid out of the county treasury; and said Board shall hold at least two sessions in each year at the several county sites of their respective counties viz. in the month of September and first Monday in April and at such other times as the said Judge or any two members of said Board may deem the interest of the counties may require. Not to exceed.
Sessions.

§ 3. *Be it further enacted*, That the Judge of Probate in each county shall be *ex-officio* a member and the president of said Board and shall keep or cause to be kept a regular record of its proceedings at each session thereof. President.
Record.

§ 4. *Be it further enacted*, That the members of said Board before entering upon the execution of the duties of their office shall take the oath prescribed by the Constitution of this State for all civil and military officers; and for gross inattention and neglect of duty may be removed by the Governor upon the address of a majority of the General Assembly. Oath.
Removal.

§ 5. *Be it further enacted*, That any three of said Board including the President shall constitute a quorum for the transaction of business. Quorum.

§ 6. *Be it further enacted*, That if for any cause the Judge of Probate should not be present at any regular or called meeting of said Board, the remaining members thereof or any three of them may organize the Board by the election of one of their number to preside and proceed to the transaction of business. Absence of
Judge of prob'te.

§ 7. *Be it further enacted*, That until the election of County Commissioners the Judge of the Probate Courts shall approve all Bonds by law required to be approved by them in their respective Counties any law to the contrary notwithstanding. Until election
Judge of prob'te
to approve
bonds, &c.

[Passed the Senate, July 21st, 1845. Passed the House of Representatives July 24th, 1845. Approved July 26th, 1845.]

CHAP. 12. [No. xii.] An ACT respecting commissions to be issued to the officers of this State by the Governor thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That every person elected or appointed to any office in this State, and under the authority of any law thereof, and required by law to be commissioned by the Governor, shall be so commissioned by a Commission in the following form: Commissions —
form of

"IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA,
To all whom these presents may come, Greeting:

Whereas, (naming the officer) hath been duly elected (or appointed, as the case may be) according to the Constitution and laws of said State, to be (specifying the office) from the day of _____ until (stating the time his term of office expires, or the term of his office as prescribed by the Constitution and laws.) Now therefore the said _____ is hereby

1845.

Commissions.

commissioned to be such (naming the office) according to the Constitution and laws of said State, for the term aforesaid, and to have, hold, and exercise the said office and all the powers appertaining thereto, and to fulfil the duties thereof and to receive the privileges and emoluments thereof as aforesaid.

In testimony whereof, the Governor of said State has signed this Commission, and caused the great Seal of the State to be affixed thereto at the Capitol in Tallahassee this of A. D., 18 , and of the Independence of the United States the year, and of the Independence of Florida, the year.

By the Governor,

Governor of the State of Florida.

Attest :

Secretary of State.

Record.

§ 2. *Be it further enacted by the authority aforesaid, That all Commissions issued by the Governor, shall be recorded in the office of the Secretary of State in a Book of Commissions and an Index made thereof, and the oath of office of the person named in said Commission shall be endorsed on said Commission, and accompanying the Commission there shall be transmitted to each officer, a printed acceptance of said Commission, and his oath of office which shall be subscribed and taken by such officer, and returned to the office of the Secretary of State and filed therein; and a note thereof made on the record of said Commission by the Secretary of State.*

Acceptance.
Oath.Vacancy, how
filled.

§ 3. *Be it further enacted, That the Governor of this State be, and he is hereby authorized and empowered to appoint and commission all officers elected by the General Assembly, in joint meeting or otherwise, in which a vacancy occurs during the recess between the Sessions of the General Assembly, or in consequence of the omission of the General Assembly to elect, the commission to expire at the end of the next Session of the General Assembly.*

Term of office,
when not pre-
scribed.

§ 11. *Be it further enacted, That in all cases where the term of office is not prescribed by the Constitution or by law, the office shall expire in one year from the day the officer is elected or appointed.*

[Passed the House of Representatives, July 15th, 1845. Passed the Senate July 18th, 1845. Approved, July 24th, 1845.]

CHAP. 13. [No. xiii.] An ACT respecting the Books and Maps belonging to this State.

Books to be col-
lected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That it shall be the duty of the Secretary of State to cause all the books and maps belonging to this State to be collected together*

1845.

and be disposed of as follows; one copy of each book or map to be placed in a room on the same story with the Legislative rooms, in suitable cases and properly arranged, and labelled and numbered, which collection shall be called "The Legislative Library," and shall be for the use of the Members of the General Assembly during the sessions thereof, and when there are two copies of any one book or map, one copy thereof shall be placed in the office of the Secretary of State, and arranged, labelled and numbered as aforesaid, and which collection shall be called the "Executive Library," and shall be for the use of the Executive officers of this State, and when there are three copies of any book or map, one copy thereof shall be placed in the room assigned to the Supreme Court of this State, and arranged, labelled and numbered as aforesaid, and which collection shall be called the "State Judicial Library," and shall be for the use of the Judicial officers of this State, and all books or maps hereafter received, shall be disposed of in like manner; and where there are more than three copies of any book or map, such additional copies as may be deemed expedient may be placed in each Library and the residue placed in the keeping of the Treasurer of the State to be disposed of by law.

§ 2. *Be it further enacted by the authority aforesaid,* That the "Legislative Library" shall be in the care of the Secretary of the Senate and Clerk of the House of Representatives for the time being; during the sessions of the General Assembly and at other times in the care of the Treasurer of the State; and the "Executive Library" shall be in the care of the Secretary of State subject to the direction of the Governor of the State; and the "Judicial Library" shall be in the care of the Clerk of the Supreme Court; and that a catalogue of each of said libraries shall be made by said officers in whose care the same is placed and filed and recorded in the office of the Secretary of State; and in no case shall the officer having the care of said Libraries allow any of the books or maps belonging thereto to be taken from the public offices in the Capitol.

§ 3. *Be it further enacted,* That the Secretary of State be authorized to expend one hundred and fifty dollars in procuring proper cases, and in having necessary binding done for said libraries and accounts therefor to be certified by him and audited by the Comptroller according to law.

[Passed the Senate July 10, 1845. Passed the House of Representatives July 16, 1845. Approved July 18, 1845.]

CHAP. 14. [No. xiv.] An ACT declaring the assent of the State of Florida to the terms of admission into the confederacy and Union.

§ 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the State of Florida hereby makes the declaration of its assent.

1845.

sent to the terms of admission of this State into the confederacy and Union of the United States and to the provisions of the acts of Congress respecting the public lands of the United States in this State agreeably to the 6th clause of the 17th article of the Constitution of this State.

[Passed the House of Representatives July 25th, 1845. Passed Senate July 25th, 1845. Approved July 25th, 1845.]

CHAP. 15. [No. xv.] An ACT to provide for the registration of the qualified voters of the State Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That it be made and by shall be the duty of the managers or Inspectors of the annual Elections in this State, within eight days after the said Elections to transmit to the Clerks of the Circuit Court of their several counties a list of the names of the qualified voters who may vote or be present at said elections, said list to be properly certified to by the said managers or Inspectors.

§ 2. *Be it further enacted,* That upon the receipt of said list of voters; it shall be the duty of the said clerks to transcribe or register alphabetically, in a book to be kept in their offices for that purpose, the names of all the qualified voters of their respective counties.

[Passed the Senate July 15th, 1845. Passed the House of Representatives July 17th, 1845. Approved July 23rd 1845.]

CHAP. 16. [No. xvi.] An ACT prescribing the time, place and manner of electing the Representative in Congress from this State, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That an election shall be held for Representative from this State in the twenty ninth Congress of the United States, by the qualified electors of this State, on the first Monday of October next, at the places, and in the manner and by the officers and persons appointed and prescribed for the election of Clerks of the Circuit Courts, Sheriffs, and other officers of this State, on that day.

§ 2. *Be it further enacted,* That the returns of said election for Representative in Congress shall be made to the Secretary of State of this State, who shall count the same at the expiration of thirty days after the election and certify the result to the Governor of this State who shall commission the person receiving the greatest number of votes.

§ 3. *Be it further enacted,* That in case of a vacancy occurring at any time in the office of Representative in Congress from this State, the Governor of this State shall order, by Proclamation, a special election to fill such vacancy, at such time as he may fix not

1845.

less than thirty days from the date of his proclamation, the same to be ordered by the same officers and persons, and held at the same places and in the same manner and by the same persons as elections for County officers are held, or may be directed to be held, and the returns to be made to the Secretary of State, and counted and certified as aforesaid, and the person elected as aforesaid commissioned to fill such vacancy as aforesaid. Vac'ncy in Ho. Rep's.

§ 4. *Be it further enacted*, That in case of a vacancy in the office of Senator of the United States from this State. The Governor of this State shall appoint and commission a person to fill such vacancy, until the end of the next session of the General Assembly of this State, held thereafter. do. Senate U.S.

§ 5. *Be it further enacted*, That in case of a vacancy in either House of the General Assembly it shall be the duty of the Judge of Probates or in case of his inability to act the Clerk of the County Court of the County in which such vacancy occurs, whether it shall be of a member of the House of Representatives or a member of the Senate to appoint Judges of election for the several precincts in his said County, or Senatorial District, and to give public notice of an election to be held within thirty days after such notice to fill such vacancy or vacancies, which said election shall be conducted in all cases as regular elections are conducted, and in case of resignation of a member of the House of Representatives or a member of the Senate the same may be done by notifying the Judge of Probates or in case of his inability to act the Clerk of the County Court of the County in which such resignation is made, who shall within thirty days order an election to fill the vacancy occurring, by such resignation, and shall transmit to the Governor of this State a certified copy of such resignation; *Provided*, that in all cases where the general election shall occur before the meeting of the General Assembly and subsequent to such vacancy occurring the called election shall take place on the day of the general election. do. Gen. Ass'y.
How filled.
Resignation.
How filled.

§ 6. *Be it further enacted*, That the Judge of Probate shall have the same powers in reference to the ordering of county and general elections as were conferred by the territorial laws upon the Clerks of the County Courts and the returns of all such elections shall be made to him in the same manner, and his duties relating thereto shall be the same as are now prescribed by law in reference to the Clerk of the County Court Powers of judge of probates in relation to elections.

[Passed House of Representatives July 23rd, 1845. Passed the Senate July 25th, 1845. Approved July 26th, 1845.]

CHAP. 17. [No. xvii.] An ACT to reorganize the counties of Wakulla, Santa Rosa, Levy, Marion, St. Lucie, Benton and Orange, and to provide for fixing the County Site of Wakulla County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the counties of Wakulla, Santa Rosa, Levy, Marion, St. Lucie and

1845.

Reorganization
Orange county.

Benton, as organized by the several Acts of the Governor and Legislative Council of the Territory of Florida, be re-organized and established as counties of this State, agreeably to said laws; the boundaries thereof to be as presented in and by said acts, and that all acts changing the boundaries of counties passed since the 11th day of January 1839, and the act changing the name of Mosquito county to Orange county, be and the same are hereby adopted as laws of this State, and said boundaries be established as aforesaid and said county of Mosquito hereafter called and known as Orange county.

Officers.

§ 2. *Be it further enacted*, That the Governor of this State on the passage of this act, shall appoint such officers for said counties as it is by law made his duty to appoint for the other counties of the State.

County officers.

§ 3. *Be it further enacted*, That the qualified voters of said counties be, and they are hereby authorized to elect such county officers as by law are directed to be elected in the several counties of this State, and in the same manner, and subject to the same duties, provisions and responsibilities.

County site—
Court House
and Jail.

§ 4. *Be it further enacted*, That the county-site of said county shall be fixed and determined by five Commissioners to be elected by the persons entitled to vote for county officers, on such day as the Board of County Commissioners may determine when sitting for county purposes, which said Commissioners or any three thereof after being first duly sworn, faithfully and without partiality and to the best of their skill and ability to discharge their duties, shall proceed to select the most eligible place for the county site, to purchase or otherwise obtain good and sufficient titles to the land whereon they may locate, and then to lay off lots and dispose of the same to the best advantage for the benefit of the county, to make transfers of the title on payment of the purchase money, and to contract for the building of a Court House and Jail for said county.

Courts held.

§ 5. *Be it further enacted*, That until a county site is selected as heretofore provided for, and suitable buildings erected, the Courts for said county shall be held, and the public offices kept at the town of Newport.

§ 6. *Be it further enacted*, That this act shall take effect from and after its passage.

[Passed the House of Representatives July 15, 1845. Passed the Senate July 22, 1845. Approved by the Governor July 24, 1845.]

CHAP. 18. [No. xviii.] An ACT to fix permanently the County Seat of Calhoun County.

WHEREAS, St. Joseph, the present county seat for the county of Calhoun is not deemed by the inhabitants thereof sufficiently central for the location of the county site. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Represen-*

1845.

tatives of the State of Florida, in General Assembly convened, That an election be held in the County of Calhoun for the election of five Commissioners whose duty it shall be to select the most eligible situation for a county seat as near the centre of the county as practicable, and to report the said location with a description of the same to the Surrogate of said county within twenty days after the same has been made, and a concurrence of a majority of said Commissioners shall be required for the action of said board. County seat.

§ 2. *Be it further enacted*, That as soon as the Commissioners shall report to the Surrogate the location selected by a majority of them for the site of the county of Calhoun, it shall be the duty of the Surrogate to send a notice of the same to the Judge of the Superior Court of the Western District of Florida as soon thereafter as suitable buildings shall be provided, such location shall be the permanent seat of Justice for the county, but until such time, the seat of Justice shall be at the house of James Nall, and all courts shall be held at said House. Notice to Judge of Supr. Court.

§ 3. *Be it further enacted*, That the said election for Commissioners shall be held at the same time and at the same place, as the next election for county officers and shall be subject to the same regulations, except in regard to the qualification of residence in respect to which a residence of six months only, immediately preceding said election shall be required. Election of pre-Commissioners. Qual. of voters.

[Passed the House of Representatives, July 15, 1845. Passed Senate, July 17, 1845. Approved July 23, 1845.]

CHAP. 19. [No xix.] An ACT to change the County site of Orange County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter the county site of Orange county shall be at Mellonville; and that all laws and parts of laws inconsistent herewith be and the same are hereby repealed. County site.

[Passed the House of Representatives, July 11, 1845. Passed the Senate, July 15, 1845. Approved by the Governor, July 16, 1845.]

CHAP. 20. [No. xx.] An ACT to change the name of Charles R. Floyd.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That from and after the approval of this act the name of Charles R. Floyd, shall be, and is hereby changed to that of Gabriel Jones Floyd, and the said Floyd shall hereafter be known, and acknowledged by the said name of Gabriel Jones Floyd, to all intent and purpose as though it had been originally his name. Name.

1845.

[Passed the House of Representatives July 18th, 1845. Passed the Senate, July 21st, 1845. Approved by the Governor, July 23d, 1845.]

CHAP. 21. [No. xxi.] An ACT to provide for ascertaining securing and increasing the funds applicable to purposes of education in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall be the duty of the Governor by and with the advice and consent of the General Assembly to employ and contract with a fit and suitable person to act as agent of the State to locate such portion of the four Townships of lands heretofore granted by Congress for Seminaries of Learning in this state as have not heretofore been located; and to ascertain in what cases the sixteenth section in each Township is included in whole or in part in private claims held by titles confirmed, and select other lands in lieu thereof according to the provisions of an act of Congress approved on the fifteenth of June, 1844, entitled an act to authorize the selection of certain school lands in the Territories of Florida, Iowa and Wisconsin, and any other act that may hereafter be passed supplementary to or amendatory thereof.

Seminary lands
Locat'n thereof.
Of 16th sec'ns.
When, &c.

Act of Cong'ss
of 23d June '36.

§ 2. *Be it further enacted,* That it shall be the duty of the Governor to take the proper steps to obtain from the Treasury of the United States, the money to which this State is entitled under the provisions of an act of Congress, Approved twenty third of June 1836, entitled "an act to regulate the depositories of the public money," and to deposite the same in some safe place of custody subject only to the order of the Governor of the State, until further directed by the General Assembly.

Money arising
therefrom.

§ 3. *Be it further enacted,* That the money mentioned in the second section of this act shall be and is hereby forever and inviolably pledged to purposes of Education in this State. *Provided,* however, that nothing in the foregoing act shall be so construed as to prevent the General Assembly from having the entire Control and management of any and all moneys arising from the provisions of the above act.

[Passed the House of Representatives July 15th, 1845. Passed the Senate July 24th, 1845. Approved July, 25th 1845.]

CHAP. 22. [No. xxii.] An ACT to repeal "An ACT to provide the mode of punishment for certain offences at Key West in the Southern Judicial District.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That an act to provide the mode and punishment of certain offences at Key West in the Southern Judicial District of Florida approved March 10th 1845, be and the same is hereby repealed.

§ 2. *Be it further enacted*, That this act shall be in force from and after its passage.

[Passed the Senate July 10th, 1845. Passed the House of Representatives July 17th, 1845. Approved by the Governor, July 11th, 1845.]

CHAP. 23. [No. xxiii.] An ACT in relation to certain associations claiming to exercise banking privileges in this State.

WHEREAS by the 14th section of the 13th article of the Constitution of the State of Florida the following provision is made:

"The General Assembly shall at its first session have power to regulate, restrain and control all associations claiming to exercise corporate privileges in the State, so as to guard, protect and secure the interests of the people of the State, not violation vested rights, or impairing the obligation of contracts."

And whereas, certain associations in this State, viz: the Union Bank of Florida, Bank of Pensacola, and the Southern Life Insurance and Trust company "claiming" to exercise Banking privileges, are charged to have violated their banking privileges, and thereby to have forfeited their charters, and whereas it is charged by others that the associations referred to are usurpations; and their Charters null and void. Now that these allegations and charges may be properly adjudicated, and those vexed questions be forever settled.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That it shall be the duty of the Attorney General to institute forthwith enquiries into the conduct and management of the said associations and if need be to file a brief information stating the facts so as to bring the same before any of the Circuit Courts of this State for adjudication

Att'y Gen'l to
inquire, &c.

To file inform'n

§. 2. *Be it further enacted*, That it shall be duty of the Attorney General to obtain all the information in his power touching the aforesaid associations and report the same together with his opinion to the adjourned session of the General Assembly.

Report.

[Passed the Senate July 25th, 1845. Passed the House Representatives July 25th, 1845. Approved by the Governor July 26th, 1845.]

CHAP. 24. [No. xxiv.] An ACT assenting to the purchase, by the United States of certain land on the Island of Key West, for the purpose of erecting fortifications thereon, and ceding to the United States jurisdiction over said land for the purpose aforesaid.

WHEREAS, in pursuance of the authority of an Act of Congress, approved June 17, 1844, the Executive of the United States have entered into negotiations for the purchase of a tract of land consisting of several parcels, situated on the Island of Key West in Monroe county, between Light House Point and the City of Key West,

1845.

for the purpose of erecting and constructing on said land certain fortifications and the improvements therewith connected, as contemplated by said Act; and it is requisite and proper that the assent of the State of Florida to said purchase shall be given, and the cession to the United States of jurisdiction over said land shall be made, for the purposes aforesaid.

Authorized to
purchase, &c.

Jurisdiction.

Proviso.

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That the United States be, and they are hereby authorized and empowered to purchase, hold, occupy and possess the tract of land in the preamble above referred to, as the same, or the extent and limits thereof shall be ascertained, described and conveyed in the instrument, or instruments, which shall be executed for the conveyance of the same in pursuance of said negotiations. And the United States may and shall have and exercise exclusive jurisdiction over said tract of land within the extent and limits to be ascertained and described as aforesaid, as well as over any land or site that may be formed or constructed in the contiguous sea, and used and occupied by the United States for said purposes in connection with the tract above mentioned, so long as they shall deem it proper to hold and occupy the same for the purposes aforesaid: Provided, that nothing herein contained shall be so construed as to prevent or debar the proper officers of the State of Florida from executing any process, civil or criminal, within the limits and extent of said land or lands when ascertained, described, and occupied as aforesaid.

[Passed the Senate. Passed the House of Representatives.—
Approved by the Governor July 8th, 1845.]

CHAP. 25. [No. XXV.] An ACT supplementary to, and extending the provisions of an act assenting to the purchase by the United States, and ceding to the same jurisdiction of certain lands on the Island of Key West, for the purposes designated in said act, Approved July 8th, 1845.

WHEREAS a communication has been received from the Executive Department of the U. S. since the approval of the above recited act, requesting of this present Gen'l Assembly the passage of a law enlarging the provisions of said act so as to facilitate the purchases contemplated thereby, and extending said provisions thus enlarged, to all cases in which the United States shall deem it expedient, and shall seek to purchase, and obtain jurisdiction over sites for forts, magazines &c., within the limits of this State, as authorized and provided in the Constitution of the United States; and whereas this General Assembly approve the purport and objects of said request as set forth in said communication:

U. S. authorized to purchase
hold, &c.

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the United States be, and they are hereby authorized and empowered to purchase, acquire, hold, own, occupy and possess such land or lands within the limits of this State as they shall ad.

judge it expedient, and shall seek to occupy and hold as sites on which to erect and maintain forts, magazines, arsenals, dockyards and other needful buildings, or any of them, as contemplated and provided in the Constitution of the United States, said purchases to be effected either by contract with the owner or owners of said land or lands, or in the manner hereinafter provided.

§ 2. *Be it further enacted*, That if the executive officer or other authorized agent, employed by the U. S. to make said purchase or purchases, and the owner or owners of the land or lands mentioned in said above recited act, or of any other land or lands contemplated to be purchased as aforesaid, cannot contract, or agree for the sale and purchase thereof, it shall be lawful for such officer, or other agent to apply to the Judge of the Circuit Court of the County in which said land or lands, or the greater portion thereof, may be situated, respectively, to estimate the value of such land or lands in manner hereinafter mentioned, and to order a conveyance of the same to the United States for the purposes aforesaid: Whereupon it shall be the duty of said Judge, and he is hereby authorized and empowered, after reasonable notice given to said owner or owners, their legal representatives or guardians, to hear and finally determine the value of the land or lands in question by a competent jury under oath, to be summoned by the Sheriff or other proper officer of said Court for that purpose, or by a Committee of three persons, such as shall be agreed upon and appointed by the parties aforesaid, such Committee if agreed on, and appointed as aforesaid, to be also duly sworn faithfully and impartially to value the land or lands last aforesaid; and the value thereof being thus ascertained to the satisfaction of said Judge, after survey thereof duly made under the direction of himself, or by consent of said parties, and after such other proceedings in the premises as he shall deem right and proper, he shall order and decree the same to be conveyed in due form to the United States, to be held, owned, and possessed by them for the purposes aforesaid, and none other: *Provided*, that the amount of such valuation, with the reasonable costs of such owner or owners attending said proceedings, shall be paid to him, her or them, or into said Court for his, her or their use, before execution or record of said conveyance; *And provided, moreover*, that if it shall appear to said Judge, upon objection made by said owner or owners, their representatives or guardians, that the quantity of any given tract, parcel or extent of land sought to be purchased as aforesaid, is greater than is reasonable, he may in his discretion refer the matter of such objection to the Governor of this state for his determination.

§ 3. *Be it further enacted*, That whenever the United States shall contract for, purchase or acquire any land or lands within the limits of this State for the purposes aforesaid, in either of the modes above mentioned and provided, and shall desire to acquire constitutional jurisdiction over such land or lands for said purposes, it shall and may be lawful for the Governor of this State, upon appli-

1845.

Proviso.

Concurrent jurisdiction.

Exemption from taxation.

cation made to him in writing, on behalf of the United States, for that purpose, accompanied by the proper evidence of said purchase, contract or acquisition of record, describing the land or lands sought to be ceded by convenient metes and bounds, and the said Governor shall be, and he is hereby authorized and empowered, thereupon, in the name and on behalf of this State, to cede to the United States exclusive jurisdiction over the land or lands so purchased or acquired and sought to be ceded; the United States to hold, use, occupy, own, possess, and exercise said jurisdiction over the same for the purposes aforesaid, and none other whatsoever: *Provided, always*, that the consent aforesaid is hereby given, and the cession aforesaid is to be granted and made as aforesaid, upon the express condition that this State shall retain a concurrent jurisdiction with the United States in and over the land or lands so to be ceded, and every portion thereof so far that all process civil or criminal, issuing under the authority of this State, or of any of the Courts, or judicial officers thereof, may be executed by the proper officers thereof, upon any person or persons amenable to the same, within the limits and extent of the land or lands so ceded, in like manner and to like effect, as if this act had never been passed; saving, however, to the United States security to their property within said limits and extent, an exemption of the same, and of said land or lands, from any taxation under the authority of this State, whilst the same shall continue to be owned, held used and occupied by the United States for the purposes above expressed and intended, and not otherwise.

[Passed the Senate July 17th, 1845. Passed the House of Representatives July 21st, 1845. Approved by the Governor July 24th, 1845.]

CHAP. 26. [No. xxvi] An ACT to fix the compensation of members of the General Assembly of this State.

Compensation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That members of the General Assembly of this State shall receive as compensation for their services three dollars each *per diem*, and ten cents each for every mile of travel in going to and returning from the same.

[Passed the Senate July 11th, 1845. Passed the House of Representatives July 16th, 1845. Approved by the Governor July 18th, 1845.]

CHAP. 27. [No. 27.] An ACT making appropriations to defray the expenses of the General Assembly of the State of Florida at its first Session, commencing on the Twenty-third day of June, and ending on the Twenty-sixth day of July, A. D. 1845, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened, That the following sums shall be appropriated for the pay and mileage of the Members of the General Assembly, as follows:—*

Benj. D. Wright, no. of miles 500,	\$50 00	Appropriation
per diem, 34 days,	102 00	for members of
		Gen. Assembly.
Added,	\$152 00	
D. G. M'Lean, no. of miles 300,	30 00	
per diem, 34 days,	102 00	
added,	\$132 00	
Geo. S. Hawkins, no. of miles 400,	40 00	
per diem, 31 days,	93 00	
added,	\$133 00	
R. B. Haughton, no. of miles 24,	2 40	
per diem, 34 days,	102 00	
added,	\$104 40	
Jas. A Berthelot, per diem, 34 days,	\$102 00	
David S. Walker, per diem, 34 days,	\$102 00	
William Bellamy, no. of miles 70,	7 00	
per diem, 34 days,	102 00	
added,	\$109 00	
D. H. Mays, no. of miles 130,	13 00	
per diem, 34 days,	102 00	
added,	\$115 00	
T. M. White, no. of miles 160,	16 00	
per diem 34 days,	102 00	
added,	118 00	
Daniel Bell, no. of miles 200,	20 00	
per diem, 34 days,	102 00	
added,	\$122 00	
Jessee Carter, no. of miles 230,	23 00	
per diem, 34 days,	102 00	
added,	\$130 00	
Gabriel Priest, no. of miles 412,	41 20	
per diem, 34 days,	102 00	
added,	\$143 20	

1845.

Appropriation for members of Gen. Assembly.	John Broward, no. of miles 450,	45 00
	per diem, 34 days,	102 00
	added,	\$147 00
	A. S. Goodbread, no. of miles 430,	43 00
	per diem, 34 days,	102 00
	added,	\$145 00
	Geo. Center, no. of miles 556,	55 60
	per diem, 34 days,	102 00
	added,	\$157 60
	Wm. H. Wall, no. of miles 1400,;	140 00
	per diem, 34 days,	102 00
	added,	\$242 00
	Joel Porter, no. of miles 160,	16 00
	per diem, 34 days,	102 00
	added,	\$118 00
	W. W. J. Kelly, no. of miles 540,	54 00
	per diem, 34 days,	102 00
	added,	\$156 00
	James R. Riley, no. of miles 500,	50 00
	per diem, 34 days,	102 00
	added,	\$152 00
	Chas. W. Tweed, no. of miles 500,	50 00
	per diem, 34 days,	102 00
	added,	\$152 00
	Angus Gillis, no. of miles 300,	30 00
	per diem, 34 days,	102 00
	added,	\$132 00
	James M. Long, no. of miles 230,	23 00
	per diem, 34 days,	102 00
	added,	\$125 00
	Britton Barkley, no. of miles 180,	18 00
	per diem, 34 days,	102 00
	added,	\$120 00
	Wm. M. C. Neal, no. of miles 140,	14 00
	per diem, 34 days,	102 00
	added,	\$116 00

1845.

John Britt, Jr., no. of miles, 180,	18 00	Appropriation for members of Gen. Assembly.
per diem, 34 days,	102 00	
added,	\$120 00	
Robt. J. Floyd, no. of miles 400,	40 00	
per diem, 34 days,	102 00	
added,	\$142 00	
Robert Myers, no. of miles 400,	40 00	
per diem, 34 days,	102 00	
added,	\$142 00	
James Penn, no. of miles 446,	44 60	
per diem, 34 days,	102 00	
added,	\$146 60	
J. H. Stone, no. of miles 250,	25 00	
per diem, 34 days,	102 00	
added,	\$127 00	
I. Ferguson, Jr., no. of miles 44,	4 40	
per diem, 34 days,	102 00	
added,	\$106 40	
A. K. Allison, no. of miles 44,	4 40	
per diem, 34 days,	102 00	
added,	\$106 40	
J. L. Smallwood, no. of miles 44,	4 40	
per diem, 34 days,	102 00	
added,	\$106 40	
Wm. Forbes, no. of miles 48,	4 80	
per diem, 34 days,	102 00	
added,	\$106 80	
L. H. Branch, no. of miles 28,	2 80	
per diem, 34 days,	102 00	
added,	\$104 80	
F. R. Cotton, no. of miles 13,	1 30	
per diem, 34 days,	102 00	
added,	\$103 30	
B. G. Waring, no. of miles 50,	5	
per diem, 34 days,	102 00	
added,	\$107 00	
Hugh Archer, per diem, 34 days,	\$102 00	

1845.

Appropriation
for members of
Gen. Assembly.

Thomas Brown, per diem, 34 days,	\$102
A. M. Alexander, no. of miles 40,	4
per diem, 34 days,	102
added,	\$106
Wm. R. Taylor, no. of miles 60,	6
per diem, 34 days,	102
added,	\$108
D. P. F. Newsom, no. of miles 48,	4 80
per diem, 34 days,	102
added,	\$106 80
Robert Hurst, no of miles 76,	7 60
per diem, 34 days,	102
added,	\$109 60
John Coleman no. of miles 130,	13
per diem, 34 days,	102
added,	\$115
Israel M. Stuart, no. of miles 200,	20
per diem, 34 days,	102
added,	\$122
George E. McClellan, no. of miles 250,	25
per diem, 34 days,	102
added,	\$127
G. W. Ellis, no. of miles 290,	29
per diem, 34 days,	102
added,	\$131
B. M. Dell, no of miles 300,	30
per diem, 34 days,	102
added,	\$132
Michael Garrison, no. of miles 590,	59
per diem, 34 days,	102
added,	\$161
Stephen D. Fernandez, no. of miles 504,	50 40
per diem, 34 days,	102
added,	\$152 40
A. Jackson Phillips, no. of miles 450,	45
per diem, 34 days,	102
added,	\$147

1845.

Appropriation
for members &
officers of Gen.
Assembly.

E. D. Tracy, no. of miles 440,	44
per diem, 34 days,	102
added,	\$146
William W. Loring, no. of miles 546,	54 60
per diem, 34 days,	102
added,	\$156 60
Buckingham Smith, no. of miles 546,	54 60
per diem, 34 days,	102
added,	\$156 60
John M. Fontane, no. of miles 546,	54 60
per diem, 34 days,	102
added,	\$156 60
D. Dummett, no. of miles 846,	84 60
per diem, 34 days,	102
added,	\$166 60
John P. Baldwin, no. of miles 1760,	176
per diem, 34 days,	102
added,	\$278
Jos. B. Brown, no. of miles 1400,	140
per diem, 34 days,	102
added,	\$242
J. A. Goff, no. of miles 690,	69
per diem, 34 days,	102
added,	\$171
M. D. Papy, for his services as Clerk of House of Rep- resentatives,	\$200
Extra services, to wit: enrolling, engrossing and for re- cording Journal,	\$175
	\$375
Thos. F. King, for his services as Secretary of the Senate,	200
Extra services, to wit: enrolling, engrossing and for recording Journal,	175
	\$375
E. Bolan, for his services as Sergeant at Arms for the Senate,	\$102
Wm. Diasmore for services as Messenger for the Senate,	\$102
Wm. Blount, for his services as Sergeant at Arms for House of Representatives,	\$102
Sam. B. Foster, for his services as Door Keeper to House of Representatives,	\$102

1845.

Appropriation
for members &
officers of Gen.
Assembly.

Miles Nash, Esq., Post Master at Tallahassee, for postage on Election Returns made to Committee of the Constitutional Convention at St. Josephs,	\$64 32
Edward Bolan, for his account with M. L. Baker,	\$3 63
P. A. Hayward, for his account of Stationary for General Assembly,	100 12
Ditto for paper furnished for use Committee of Constitutional Convention,	20
	<hr/>
	\$120 12

To the Governor of this State, for the purchase of necessary furniture for the offices in the Capitol, \$250

To Samuel S. Sibley, Printer to the House of Representatives for miscellaneous printing, printing slips of Journals, &c., hereafter to be audited,

To Joseph Clisby, Printer to the Senate, for miscellaneous printing, printing slips of Journals, &c., hereafter to be audited,

To William Blount, for the account of Hugh Archer, for articles purchased for House of Representatives, \$4 25

To Betton & Meginnis, for furniture for Gen. Assembly, \$8

To Charles DeWaal, for services to General Assembly at commencement of session, &c. \$10

Comptroller to
audit, &c.

§ 2. *Be it further enacted*, That the foregoing printing accounts of Samuel S. Sibley and Joseph Clisby, together with their contracts for such printing with the Committees of the two Houses of the General Assembly, be referred to the Comptroller of Public Accounts, to be audited by him, who shall issue his warrant upon the Treasury for whatever sums he may find due the said Printers, respectively, agreeably to their several contracts, and shall likewise issue his warrant for the several sums specified in the foregoing appropriations.

Salary of officers.

§ 3. *Be it further enacted*, That any other moneys in the Treasury not hereby appropriated, shall be appropriated, first for the payment of the first quarter's salary of the different officers of this State, as they may respectively fall due.

[Passed the Senate July 26th, 1845. Passed the House of Representatives, July 26th, 1845. Approved, July 26th, 1845.]

RESOLUTIONS.

[No. 1.] Resolution in relation to agent to locate university and school lands &c.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor have ^{Gov. to employ} full authority in the recess of the General Assembly to employ ^{agent, &c.} and contract with a suitable person or persons to perform the duties of agent of the State as prescribed in the act Entitled "an act to provide for ascertaining, securing and increasing the fund applicable to purposes of Education in this state."

[Adopted by the Senate July 26th, 1845. Adopted by the House of Representatives July 26th, 1845. Approved by the Governor July 26th, 1845.]

[No. 2.] Resolutions in regard to Printing the laws of the General Assembly.

Resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened, That the Secretary of ^{Sec. of State to} State of this State shall cause the publication of the laws of each ^{contract for} session of the General Assembly to be made in Pamphlet form, ^{publication of,} to be executed upon the cheapest terms he can procure after first having procured the approved of the Governor to such contract as he may make for said printing.

2. *Be it further Resolved,* That when said work shall be completed it shall be submitted to the Governor of this State who if he ^{When approv'd} approves it, shall certify the same to the Comptroller, and the said ^{by Gov.} Comptroller shall thereupon issue his warrant to the Treasurer ^{in Warrant to be} favor of said contractor. ^{issued by comp.}

3. *And be it further resolved,* That a sufficient number of the Laws shall be printed to furnish each civil officer in this state with one ^{Number of, to} copy and one copy for the use of each and every precinct in the ^{be printed.} State to be sent by the Governor to the Court House of each and every County immediately after the work shall be completed.

[Passed the House of Representatives July 26th, 1845. Passed the Senate July 26th, 1845. Approved by the Governor July 26th, 1845.]

[No. 3.] A Resolution respecting the boundaries of this State.

Resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened, That the Attorney Gen-^{Att'y Gen. to} eral of this State be and he is hereby instructed to make full enquiry ^{report on boun-} ry and report the result of the same to the Governor so as to ^{laydaries.} the same before the General Assembly on the first day of its next session in relation to the disputed boundary between this State and

1845.

Gov. to correspond, &c.

the States of Georgia and Alabama and also that the Governor of this State be requested to open a correspondence with the authorities of the States of Alabama and Georgia to the end that the difficulties as to these boundaries may be settled as soon as possible,

[Passed the Senate July 10th, 1845. Passed the House of Representatives July 16th, 1845. Approved by the Governor July 18th, 1845.]

[No. 4.] Resolution respecting the terms of office of the members of the present General Assembly.

Term of office.

Be it resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened, That the terms of office of the Representatives of the present General Assembly and of those Senators who have been classed in the term of one year expires on the first Monday in October 1846, and the term of those Senators who have been classed in the term of two years expires on the first Monday in October 1847.

[Adopted by the Senate July 21st 1845. Adopted by the House of Representatives July 17th, 1845. Approved by the Governor July 23rd, 1845.]

[No. 5.] Resolution in relation to selection of public lands under act of Congress of 15th June, 1844, &c.

Selection.

Resolved, That our Senators and Representative in Congress be and they are hereby instructed to urge the passage of a law authorizing the state of Florida to select, in the cases provided for in the act of Congress approved the 15th, of June 1844, any surveyed Lands in this State not previously appropriated whether such land may have been offered for sale or not.

[Adopted by the Senate July 16th, 1845. Adopted by the House of Representatives July 16th, 1845. Approved by the Governor July 23rd, 1845.]

[No. 6.] Preamble and Resolutions in relation to postponement of sales of Public Lands in this State.

WHEREAS, His Excellency the President of the United States of America has in pursuance of law made known that public sales will be held at the different land offices in Florida to wit: at Newnansville 11th August next; at St. Augustine on the 18th day of August next, at Tallahassee on the 11th day of August next: *And whereas,* many of the good people of Florida have settled on the Public lands with the wish and expectation of being able to purchase the small tracts of land on which

they have established their Homesteads: *And whereas*, said people pursue agriculture entirely for subsistence and for means wherewith to purchase their homes, which pursuit yields its reward but once in the year: *And whereas* for the reasons above stated said people will be totally unable to purchase their pre-emption rights if the lands are sold till sometime during the ensuing winter and said lands will probably fall into the hands of speculators and said people be turned out of their homes or the lands remain unsold for the want of means to purchase: *And whereas* from the general scarcity of money in Florida during the summer months a postponement cannot possibly injure the Government, but it must benefit by almost certain enhanced prices in consequence of greater competition,

Therefore be it Resolved by the General Assembly of the State of Florida, That his Excellency the President be hereby respectfully requested to issue another proclamation postponing said sales till on or near the first day of January next and that pre-emption claimants on said lands have the privilege extended to them until said postponed day of sale of establishing their claims, and making pay-ment therefor.

2. *Be it further resolved*, That his Excellency the Governor of Florida be requested to forward this preamble and resolutions to the President of the United States as early as possible.

[Adopted by the Senate, June 1845. Adopted by the, House of Representatives June, 1845. Approved July 2nd, 1845.]

[No. 7.] Preamble and Resolutions in relation to the construction of a Levee at St. Marks.

WHEREAS, the Town of St. Marks situated at the confluence of the St. Marks and Wakulla rivers is believed by many to be the natural outlet for the produce of Middle Florida and a portion of Georgia: *And whereas* the said place is subject to inundations from the sea during heavy Spring tides and the annual Autumnal Gales to which our seaboard is subject, rendering its settlement hazardous to life as well as property, all of which it is believed can be remedied by the construction of a suitable Levee and at no very great expense: *And whereas*, the said place having been laid off into Town lots, and owned almost entirely by the United States, whose province it should be alone to improve the same, and believing that they would be fully reimbursed for any outlay they may make for the purpose hereinbefore mentioned by the enhanced value of their lots.

Be it therefore Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Representative and Senators in Congress be requested to use their exertions to procure a suitable appropriation for the accomplishment of the object set forth in the foregoing preamble.

2. *Be it further Resolved*, That certified copies hereof signed by

1845.

Copies hereof
to be sent to
Senators & rep.

the proper officers of the General Assembly, be transmitted by the Governor to our Representative and Senators in Congress.
[Adopted by the House of Representatives, July 14th, 1845.—
Adopted by the Senate, July 17th, 1845. Approved by the Governor, July 23d, 1845.]

[No. 8.] Resolution respecting certain accounts against the U. States in favor of Certain persons therein named.

Gov. to certify
&c.

Resolved, by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor certify to the Treasury department of the United States the following indebtedness: to the administrator of Leigh Read \$25, to E. T. Jencks \$25, to Buckingham Smith \$45, the same being for services rendered in the examination of certain Banks &c., in 1840, under Resolution of the Senate of the United States.

[Adopted by the House of Representatives July 18th, 1845. Adopted by the Senate, July 24th, 1845. Approved, July 25th, 1845.]

[No. 9.] Resolutions relating to a report and Resolutions of the Legislature of Connecticut.

Personal and
political rights.

Resolved, That self-preservation is a natural right alike to a body politic or an individual; that the object of free government is the preservation and protection of life, liberty and property, and it is inherent in the sovereignty of any State in the United States to preserve the one and protect the other.

Police laws of
So. Car.

2. *Resolved,* That in the municipal and police laws of South Carolina, we are aware of no enactment which goes beyond this object; we believe that such laws were called for by necessity; that those laws are not aggressions upon the rights of Massachusetts, or those of any other State, but purely a defence of the rights of South Carolina.

Similar laws.

3. *Resolved,* That the committee deem this a favorable opportunity to recommend similar police laws as those of South Carolina, for adoption by the General Assembly of the State of Florida.

Rhode Island.

4. *Resolved,* As to the affairs of the State of Rhode Island, with our motto before us of "Let us alone," we leave that people to settle their own affairs their own way.

Copies hereof to
be sent, &c.

5. *Resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That the Governor of this State be requested to furnish the Executives of the several States and Territories of this Union with a copy of the above report and resolutions.

[Adopted by the Senate July 18th, 1845. Adopted by the House of Representatives July 21st 1845. Approved by the Governor July 24th, 1845.]

[No. 10.] Memorial, &c. to Congress of the United States respecting losses in Seminole war.

1845.

Memorial.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled :

The Senate and House of Representatives of the Legislature of the State of Florida, convened at their first session under the new organization of the Territory as an independent member of the union, regard it as one of the earliest and most important of the duties devolved on them, to call the attention of Congress to the losses sustained by the inhabitants of the Country during the late cruel and desolating Seminole war ; and to their just claims for indemnification from the Government for these losses, which accrued through the neglect of the Federal authority, seasonably warned though it was, of approaching evil, and earnestly petitioned on the subject, to afford them at the commencement of the Indian hostilities, that adequate protection which as dependents on its guardianship and care, they had been led to look for and had the right to expect.

The Legislature of Florida therefore having adopted and *unanimously* passed the following preamble and resolutions in relation to this subject, herewith submit them to your Honorable Bodies, and respectfully and earnestly request your early attention to, and favorable consideration of the same.

WHEREAS, the Government of the United States, having in pursuance of a general policy long since adopted, of concentrating the Indians under its control, and not with any view to the interests, or at the instance of the people of Florida, undertaken the removal of the Seminole and other tribes of Indians associated with them from the Territory, first by treaty and then by Military force : But, whereas, this measure was undertaken with such inadequate means as to involve both itself and the inhabitants of the country in protracted hostilities with these Indians, which resulted in the loss of numerous lives and the destruction of the homes and property of the unfortunate people, in favor of whose rights an appeal is here made,—an appeal, which where the will is united to the power of doing justice as we believe it will be on this present occasion, cannot be preferred in vain.

1. *Be it therefore resolved*, That the General Government, as the guardian and protector of the Territories ; and as the cause, —however unwittingly—of the losses sustained by the inhabitants of Florida during the late Indian war, is bound by every consideration of justice and of right, to take the necessary measures to ascertain the amount of these losses, and to make provision for their reimbursement and liquidation, at as early a period as this can be conveniently done.

2. *Resolved*, That the readiest mode of effecting this just and equitable object, would be, the passage of a Law by Congress for the appointment of a Board of Commissioners, to sit in Florida, to take testimony in relation to the claims, to ascertain the nature

1845.

and extent of the losses incurred and report upon the subject in such manner and at such time as Congress may direct.

3. *Resolved*, That in the opinion of this Legislature, the amount of the losses will probably fall far short of the estimates hitherto made on the subject, and would be covered by a sum quite within the power of the government to pay, without inconvenience to the National Treasury.

4. *Resolved*, That there is reason to believe that death and other causes have already removed beyond the hope of recovery, much of the proof which at an earlier period existed in ample abundance to establish the nature and amount of individual losses in the late war; and that the only method by which the losers can be secured against further deprivation of the chance of authenticating their claims, is to be looked for in the perpetuation of such testimony in support of them, as is still spared and within reach of the claimants, and that to effect this desirable and all important end, as well as to protect the Government against spurious demands, the speedy appointment of a Board of Commissioners such as is herein suggested, is especially and indispensably necessary.

5. *Resolved*, That our Senators and Representative in Congress, be and hereby are requested and enjoined to lay this representation before the Houses to which they respectively belong and to urge the subject upon their efficient and favoring notice, with their utmost ability and all the zeal its importance demands.

[Adopted by the Senate, July 10th, 1845. Adopted by the House of Representatives, July 14th, 1845. Approved by the Governor, July 17th, 1845.]

[No. 11.] Resolution of House of Representatives respecting memorial of Citizens of Benton County as to establishment of Port of Delivery at Cheesechowiska.

Port at Chee-
seehowiska.

Resolved, That the original memorial of the citizens of Benton County respecting the establishment of a Port of Delivery at Cheesechowiska be transmitted by his Excellency the Governor, to the Senators and Representative in Congress from this State to be acted upon by them to the end that if expedient, the prayer of the memorialists may be granted

[Adopted by the House of Representatives July 22, 1845.]

[No. 12.] Resolution of House of Representatives requiring Comptroller and Treasurer to enquire in accounts of the Auditor and Treasurer of the Territory, &c.

Books of Treas-
urer and Aud-
itor of Ter'y.

Resolved, That the Comptroller and Treasurer of this State be directed by the Governor to make enquiry and strict examination into the books, papers and files belonging to the respective offices of Treasurer and Auditor of the Territory of Florida and also to enquire by what authority and for what purpose the money

belonging to the orphans fund has been expended and report the result thereof to be laid before the next session of the General Assembly. Orphans fund.

[Adopted by the House of Representatives July 22, 1845.]

[No. 13.] Resolution of the House of Representatives respecting services of Militia in Duval County in 1838.

Resolved, That the Governor cause enquiry to be made into the services of the Companies of Captains Bush, Price, Suarez, and Blake, in Duval County in the year 1838, and report the information he may obtain to this House at the present or ensuing session. *Services of companies, &c.*

[Adopted by the House of Representatives July 14th, 1845.]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

INDEX TO LAWS.

- ADMINISTRATION:** *letters of*, to be granted by judge of probates, 14; copies of, authenticated under seal of judge of probates to be evidence, 14; to be recorded by judge of probates, 14; Clerk of county court to turn over to judge of probates all papers relating to, 14.
- ADMINISTRATORS:** property sold by, at auction exempt from tax, 22.
- ALLEYS,** Ten pin; state tax on, 22.
- APPEALS:** Rules and laws regulating, 12; from judgments rendered by superior court of territory, to be returned to, and tried by supreme court, 14; from decisions of judge of probate, 14.
- APPROPRIATIONS:** for book cases and binding, 35; for pay and mileage of members of general assembly 45 to 49; to furnish offices in capitol, 50; to pay clerk of house of reps., 49; to pay clerk of senate, 49; to pay serg't at arms of house of reps., 49; to pay do. of senate, 49; to pay door keeper of house of reps. 49; to pay messenger of senate, 49; to pay for stationary, &c., 50; to pay printer of house of reps., 50; to pay printer of senate, 50; in favor of post master at Tallahassee, 50; to pay Edward Bolon's account, 50; to pay W. Blount, 50; to pay Betton & Meginniss, 50; to pay C. DeWaal, 50.
- ASSESSOR,** of the Revenue; When and how appointed, 23.
bond, to give bond, 23; how approved, 23; where filed, 23, 26; how prosecuted, 23; oath of, 23.
duty of, to assess and list all taxable property immediately after first January in each year, 23; to seek out and assess all taxable property, 25; to list and assess taxable property coming into county between first day of January and first day of March, 25; when to list and assess taxable property the present year, 23.
when to make returns, on or before first day of March in each year, 23; when the present year, 23.
returns how made; to make three books, alphabetically of all taxable property, 23; to send one to comptroller, 23; to deliver one to sheriff, 23; the other to board of county commissioners, 23; last column of book to state amount of taxes of each person, 24.
acts of, before qualified, to be void, 23; penalty for so doing, 23.
property how listed and assessed: each person to deliver to, a full list of property which they have in their own right or otherwise, 24; what list handed to assessor shall contain, 24; list to be sworn to, 24.
who to be assessed: holders of property in their own right or otherwise on first of January in each year, 23—24; persons selling property after first of January, 24.
penalty for making false list and books of assessment, 25; when to impose a double tax, 23, 24; when sheriff to perform duties of, 25; compensation of, and how paid, 25, 26; when compensation to be withheld or forfeited, 26.
- AUCTION SALES:** state tax on, 22; of property sold under execution or decree exempt from, 22; of property belonging to state or county exempt from tax, 22; by an executor, administrator or guardian exempt from tax, 22.
- AUDITOR,** of Territory; comptroller to perform duties of, 18; to have custody of books &c. of, 18; resolution respecting books &c. of, 56—57.
- ATTORNEY GENERAL:** his salary, 5; when paid 5, 21; residence, fees and office, 5.
duty of, shall perform duties prescribed by constitution, 5; and by law or resolution of the general assembly, 5.
written opinion and legal advice; when he shall give, 5.
appearance in behalf of state; shall appear in supreme court, 5; when required by law, in other courts of state, 5; in courts of other states, 5; and in courts of united states, 5.
general assembly, shall attend session of, and prepare necessary forms, &c., 5.

ATTORNEY GENERAL : (continued.)

relative to the laws : shall superintend the publication of, 6; shall make marginal notes for, and index of, 6; shall report to governor operation of, 5; and decisions on, 5; sec. of state to furnish copy of law immediately upon its passage, 6.

official acts and proceedings : shall record and make index, 6; record and index subject to inspection of governor, 6; and disposition of general assembly, 6.

shall report : decisions of supreme court, 6; how to have reports published, 6; when may report decisions of court of appeals, 7; compensation for reporting, 6.

shall publish : rules of practice adopted by supreme court, 12.

may appoint a deputy, 6; when guilty of a misdemeanor, 6; may with comptroller prepare forms of papers vouchers, &c., 18; to approve bond of comptroller, 16; to approve bond of clerk of supreme court, 13; duties of, relative to certain banks, 41; duty relative to boundaries of state, 51, 52.

BANKS : duty of attorney general relative to Union, Life & Trust, and Pensacola, 41.

BANK AGENCIES and BANK STOCK : state tax on, 22.

BENTON county : re-organization and boundaries of, 37, 38; when and where spring and fall terms of circuit courts for, to be held, 9, governor to appoint officers for, 38; how county officers elected and appointed, 38.

BETTON & Meginniss : appropriation to, for articles furnished general assembly, 50.

BILLIARD tables : state tax on, 22.

BONDS : how approved until election of county commissioners, 33.

BOOKS : those belonging to state to be collected and disposed of, 34; appropriation for cases and binding, 35.

BOUNDARY of state : duty of attorney general relative to, 51; duty of gov. relative to, 51.

BRANDS and marks : non residents driving cattle into state for range to have marks and brands recorded 23; penalty for neglecting or refusing to do so, 23.

CALHOUN county : county seat how selected, 39; election of commissioners to select, 39; qualification to vote for commissioners, 39; when selected notice to be given judge of superior court, 39; where court to be held until county seat is selected, 39.

CARRIAGES : state tax on four wheeled pleasure carriages, 22.

CATTLE : state tax on, belonging to citizens of this state, 23; state tax on, belonging to non-residents, 23; marks and brands of, belonging to non-residents to be recorded, 23; penalty if non residents refuse or neglect to have it done, 23.

CENSUS : when, by whom and how taken, 26; assessor to send one copy of, to sec. of state, 26; assessor to deposite one copy with board of county commissioners, 26; compensation for taking, and how paid, 26; when sheriff to take census, 26, 27; compensation allowed sheriff for taking, 27.

CHEESEHOWISKA ; resolution respecting port of delivery at, 56.

CLERK, of circuit court, when and how elected, 10; term of office, 10; Bond, 10; how approved and condition thereof, 10; powers and duties, 10; to what penalties liable, 10; seal of office, 10; how elected when court holden for more than one county, 10; until elected clerks of superior courts to perform duties, 11; clerks of superior courts to deliver over to, all papers, records, files, dockets, &c., 11; to deliver inspectors of election copy of journals of general assembly, 4; to register alphabetically names of qualified voters, 36; fees of, 10.

of supreme court, how to be elected, 13; term of office, 13; bond, how approved and conditioned, 13; and where filed, 13; may appoint a deputy or deputies, 13; clerk of court of appeals to deliver to, all dockets, records, seal, &c., 13; fees of, 13; office where to be 13.

of superior and county courts of territory ; [see courts, superior and county.]

CLISBY, Joseph : appropriation for, 50.

COMMISSIONS : who to be re-commissioned, 33; form of, 33; to be recorded and endorsed by secretary of state, 34; oath of office to be endorsed on, 34; letter of acceptance and

COMMISSIONS: (continued.)

oath to accompany, 34; acceptance and oath to be signed and subscribed and returned to secretary of state, 34; when to fill vacancy, expires, 34; when expires when term of office not prescribed, 34; to fill vacancy in the United States senate, 37; to represent a tive in Congress, by whom granted, 36.

COMPTROLLER, of public accounts: how elected, 16; his residence and office, 16; salary 19; when paid, 19, 21.

bond: shall give bond 16; condition thereof, and how approved, 16; where filed, 16; and recorded, 16.

powers and duties of: shall examine, audit, &c., all claims, accounts &c., against the state, 16; of officers of the state, 16; against any person or corporation indebted to the state, 16; shall make report thereon, 16; may require claimant or proxy to answer under oath, 16; and may administer the oath, 16; shall make monthly returns to Governor, 17.

as auditor of Territory: shall exercise powers and perform duties of auditor of territory, 18; shall have the custody of the books, &c., of auditor of territory, 18; shall keep his acts and proceedings as, separate from those of, 18; shall examine accounts and returns of officers of the Territory, 18; and of other persons indebted thereto, 18; shall examine and report on claims and demands by, and against the Territory, 18.

in relation to money due state: shall institute proceedings to collect all moneys due the state from officers of the state, 16; from other persons in anywise indebted to state, 16; or from corporations, 16.

moneys due the Territory: shall collect all moneys due territory from officers thereof or others, 18.

finer and forfeitures: shall make strict enquiry into all fines, forfeitures, recognizances due territory from district attorneys, 18; from clerks, 18; from marshals, 18; and other persons, 18.

in relation to tax collectors: shall settle accounts of tax collectors, 31; shall allow tax collectors credits, certified by board of county commissioners, 31; shall allow tax-collector such over-charges and insolvencies as certified to by board of county commissioners, 30; when and how to put bond of tax collectors in suit, 31.

report of: shall make annual report to governor on the first day of November, 17.

on claims, &c.: shall refer to act or resolution and section thereof, upon which claim is founded, 16; shall state name of original claimant, and the transferees and evidence, 16; shall be recorded by, with accounts, vouchers and evidence, 16; shall be handed over to treasurer with original papers, vouchers and evidence, 16; shall be numbered chronologically, 16;

warrants of: never to issue until authorized by law, 17; to be issued for so much of claim as allowed, 16; to be recorded, 16; to be numbered chronologically, 17; shall state name of original claimant and transferees, 17; shall state head of expenditure to which chargeable, 17; amount to be stated in words, 17; shall be compared by committee appointed to examine treasury, with law under which drawn, 20.

record and index: shall make and keep, of all official acts and proceedings, 16; of all official letters, communications &c., received by him, 16; and of his disposition thereof, 16.

books &c., of, to be always open to inspection of Governor, 17; or person appointed by him, 17; to be annually examined by committee, 17, 18; committee to report condition thereof, 18.

seal of office, 17; copies certified under, 18.

departure from state: when considered a resignation, 18; vacancy how filled, 18.

comptroller ad interim, when appointed, 19.

miscellaneous: to audit accounts of printers of General Assembly, 50; to issue his warrant for sum due, 50; when to issue warrant to printer of laws, 51; to issue his warrants for sums specified in appropriation bill, 50; may, with attorney general prescribe forms of returns, vouchers &c., 18; to make examination of books &c., of auditor, 56.

CONNECTICUT, resolutions of, resolutions relating to, 54.

CONSTABLES: how appointed, 15; duties and term of office, 15; bond of, 15; how approved, 15; where to be filed, 15.

CORONER: when to act, 11; when elisor to act instead of, 11.

COTTON, exempt from taxation, 22.

COUNTY COMMISSIONERS: board of, how elected, 32; term of office, 33; to take oath, 33; how removed, 33; pay of, 32, 33.

powers and duties of: to perform all duties and have all powers county court had when sitting for county purposes, 32.

in relation to revenue: when to examine list of over charges and insolvencies, 30; may relieve from improper taxes and over charges, 30; shall certify to comptroller all over charges and improper taxes allowed by them, 30; shall transmit to comptroller bond of assessor, 23, 26; and of tax collector, 26; when may withhold or forfeit compensation of assessor, 26; may certify compensation of assessor in settlement of sheriff's account, 30;

sessions of: when and where held 30; special session when, 30.

who president of: judge of probate a member and president, 33; who to preside in absence of judge of probate, 33.

quorum: what number a quorum, 33; quorum of, to order election of justices of the peace, 15.

record: shall keep a record of its proceedings, 33; by whom kept, 33.

county tax: when to levy a county tax, 31; how to be levied, 32.

bonds: until election of, who to approve bonds, &c.

COURTS, CIRCUIT: *western district*: how composed, 8; spring terms of, when and where held—fall terms, when and where held, 8; where judge of, to hold his first term, 9; his second, 9.

eastern circuit: how composed, 8; spring and fall terms of, when and where held, 9; where judge of to hold his first term, 9; his second &c., 9;

middle circuit: how composed, 8; spring and fall terms of, when and where held, 9; where judge of, to hold his first term, 9; where his second 9.

southern circuit: how composed, 8; spring and fall terms, when and where held, 9; where judge to hold his first term, 9; where his second, 9.

Hillsborough county: spring and fall terms for, when and where held, 9.

Benton county: spring and fall terms for, when and where held, 9.

jurisdiction: to have and exercise original and appellate jurisdiction conferred by constitution, 9; and of the superior and county courts of territory 9.

rules, practice, &c., to be same as in superior and county courts of territory, 10; of the court of appeals, 10, 12.

cases to be transferred to: cases in the superior court of territory, 9; in the county courts of territory, 9; all papers relating thereto, 9; all motions, writs, &c., in superior, and county courts, 9.

cases transferred: to be proceeded in without delay, 9.

writs issued by superior and county courts to be returned to, 10:

Judges of: salary 8; manner in which to alternate, 9; how often to hold court in same circuit, 9; sickness or death of, 9; when unlawful for to try a cause, 11; when may appoint an *elisor*, 11; to approve of bond of sheriff, 10; of clerk of, 10; when deduction to be made from salary of, 13; Duty of, upon application of solicitor for rule against defaulting tax-collector, 31; duty of, in case of disagreement between U. S. and owner of land sought to be purchased for forts, magazines, &c., 43.

clerk of: (see clerk of circuit court.)

executive officer of; to be sheriff, 11; by whom duties to be performed until election of sheriff, 11.

appeals and writs of error: laws regulating, 12.

SUPERIOR: (of the territory,) *duty of clerks of*: to turn over to clerk of circuit court all papers, pleadings, files, records, &c., 11; seal of office, 11; penalty for refusal or neglect 11; when to perform duties of clerks of circuit courts, 11.

cases and motions pending in: to be transferred to circuit court, 9.

writs issued by; to be returned to circuit courts, 10.

rules and practice of; to apply to circuit courts, 10, 12.

COUNTY: (of the territory.) *duties of clerks of*: to turn over to clerk of circuit court all papers, files, records, pleadings, &c., 11; penalty for neglect or refusal, 11; what papers to turn over to judge of probates, 14.

FEDERAL : *what cases transferred to* : cases cognizable by, pending in the superior and county courts of territory, 9, 10; cases pending in court of appeals of Territory, 13, 14.

SUPREME : jurisdiction of, 12; cases pending in court of appeals to be transferred to, 13. *appeals and writs of error* : laws regulating, 12; heretofore granted by territorial courts to be returned to, 14; and tried by, 14.

rules of, to be those of court of appeals, 12; when new rules for, and the circuit courts shall be made, 12; when new rules submitted to General Assembly, 12; how to be published, 12.

sessions of : when and where to be held 12; special session when, &c., 12; when first session to be held, 12.

chief justice : how elected, 12; how long to preside, 12; who to preside in his absence 12.

quorum : what shall constitute, 13; non-attendance of a quorum, 13.

written opinion, to be filed by justices, in each case, 13.

non-attendance : penalty for, 13.

clerk of : (see clerk of supreme court.)

executive officer of, to be sheriff of county where supreme court holden, 13; shall attend sessions of, 13; may appoint a deputy, 13; shall by himself or deputy serve all process of, 13; fees of, 13.

seal of, to be seal of court of appeals, 13.

DOCTORS : state tax on, 22.

DOWER : decrees for assignment and admeasurement of, to be recorded by judge of probates, 15.

EDUCATION : lands granted by congress for, how located, 40, 51; money received under act of congress of 3d June, 1836, inviolably pledged to, 40.

ELECTION : *for representative in congress* : time and manner, 36; returns of to whom made, 36; special, to fill vacancy, 36; when, how and by whom ordered, 36, 37; who elected 36.

for members of general assembly : duties and powers of judge of probates in relation to, 37; returns of, to whom made, 37; to fill vacancy, when and by whom ordered, 37; manner of, 37.

called or special elections : when to take place, 37.

county and general : powers and duties of Judge of probates in relation thereto, 37.

ELISOR : when appointed by judge of circuit court, 11; when to act in place of sheriff and coroner, 11.

EXECUTOR : property sold by, at auction exempt from tax, 22.

FEES, of clerks of circuit court, 10; of solicitors, 11; of clerk of supreme court, 13; of sheriff, 11, 13; of judge of probates, 15; of secretary of state, 3; of attorney general, 5.

FINES and forfeitures : (see comptroller.)

FISCAL YEAR : when begins and ends, 17; when present begins and ends, 17.

FLORIDA : assent of to terms of admission into union, 36.

FLOYD, Charles R. ; an act to change name of, 39;

GENERAL ASSEMBLY : *members of* : election to fill vacancy, 37; how, when and by whom ordered, 37; powers of judge of probate thereto, 37.

resignation of ; to whom made, 37.

compensation of : per diem and mileage, 44.

term of office of present,—resolution declaring, 52; appropriation for pay and mileage of, 45, 46, 47, 48, 49; laws of, who to contract for publication of, 51; under whose direction published, 6; number to be printed, 51.

GOVERNOR : his residence, 7; salary, 7; to receive no other compensation, 7; may appoint a secretary and clerk of executive department, 7.

official letters, &c. : to deliver copy of, to secretary of state before issuing the same, 4; to deliver to secretary of state all received by him, 4.

pardons, &c. : in what cases may grant pardons, &c.

attorney general : may require written opinion and legal advice of, 5; in what courts may require attorney general to appear in behalf of state, 5; when may ap-

GOVERNOR, (continued.)

attorney general, (continued.)

point a deputy for attorney general, 6; to lay report of, before general assembly, 6.
vacancies: when may fill vacancies, 34; may fill vacancy in United States Senate, 37;
 may order special election for representative in congress, to fill vacancy therein, 36,
 37; when to fill vacancy created by secretary of state leaving state, 4; when to fill
 vacancy created by comptroller leaving state, 18.

commissions: when commission to fill vacancy expires, 34; who to commission as representative in congress, 36.

laws, &c., to approve contract for publication of, 51; when printed to be submitted to his approval, 51.

boundary of state: to correspond with governors of Georgia and Alabama relative to, 52.

miscellaneous: to appoint officers for Wakulla, Santa Rosa, Levy, St. Lucie, Marion, Benton and Orange counties, 38; when to cede jurisdiction to United States over lands purchased for forts &c., 44; to obtain from U. S. treasury money coming to state under act of congress of June 3, 1836.

GUARDIAN: property sold by, at auction exempt from tax, 22.

GUARDIANSHIP: letters of, how granted, 14; papers relating to, to be turned over to judge of Probate, 14; letters of &c., to be recorded, 14.

HAWKERS: (see pedlars.)

HILLSBOROUGH county; where circuit court to be held, 9; spring and fall terms for, where held, 9.

INN-KEEPERS: state tax on, 22.

INSPECTORS of election: by whom appointed, 37; when to make list of qualified voters, 36; to whom to transmit it, 36.

INSURANCE companies: state tax on, 22.

JENCKES, E. T.: resolution in favor of, 54,

JOURNALS, of General Assembly: a copy to be sent to clerks of circuit courts, 4; to the inspectors of election at each precinct, 4; expense of transportation, 4;

JUDGE of circuit court: (see courts, circuit.)

JUSTICES of the peace: when and how elected, 15; by whom election ordered, 15; when Governor may appoint, 15.

JUSTICES of supreme court: (see court, supreme.)

KEY WEST; a certain act relating to mode of punishment, &c. at, repealed, 40, 41; assent of the state, to the purchase by united states of certain lands on Island of, 42; jurisdiction of the lands so purchased, 42.

LAND: state tax on, 21.

public: assent of state to laws of congress relative to, 36; resolution requesting postponement of sales of, 52, 53.

LAWYERS: state tax on, 22.

LEVY, county: reorganization and boundary of, 37; election and appointment of officers, 38.

LIBRARY: books belonging to not to be taken out of the capitol, 35.

catalogue: by whom and when made, 35; appropriation for, 35.

executive; in whose care and custody, 35.

judicial; in whose care and custody, 35.

legislative; in whose care and custody, 35.

MAPS: belonging to state by whom collected, and how disposed of, 35.

MARION, county; re-organization and boundary of, 37, 38; election &c., of officers, 38.

MARKS and brands: (see brands and marks,)

MARSHALS, (of territory,) to turn over to sheriffs, all records, writs, executions, &c., 11; penalty for neglect or refusal, 11.

MELLONVILLE: to be county site for orange county, 39.

- MERCHANTS** ; state tax on, 21, 22; state tax on commission merchants, 22.
- MINORS** : order for sale of real estate belonging to, to be recorded, 15.
- MONEY** : state tax on, loaned at interest, 22.
- NEGROES** ; *free* : state tax on, 21.
- ORANGE county** : re-organization and boundary of, 37, 38; county site 39; election and appointment of officers, 38.
- ORPHAN'S FUND** : resolution respecting, 57.
- PEDLARS** and hawkers : state tax on, 22; what ones exempt from tax, 22.
- PROBATES** ; *Judge of* : how appointed and term of office, 14; where to hold his courts, 15; fees of, 15.
powers and duties of, the same as judge of county court—court when, &c., 14; shall discharge duties of a court of ordinary, 14; of what he shall make and keep record, 14, 15; shall approve of bonds of constables, 15; shall approve other bonds until election of board of county commissioners, 37; shall transmit to governor copies of resignations of members of general assembly, 37.
appeals from orders or decisions : how taken and to what court, 15.
seal of office : shall have, 14; when to use private seal, 14; copies certified under, &c. 14.
elections : powers of in relation to ordering county and general, 37; when to order election to fill vacancy in general assembly, 37; where returns to be made to, 37; to order election of justices of the peace, 15.
records : shall make index to, 15; shall be open to inspection, 15.
board of county commissioners : shall be a member and president of, 33; shall keep a record of proceedings of, 33.
- READ** ; Leigh : resolution in favor of, 54.
- REPORTS** ; state : number of copies to be printed and how, 6; copy-right of, &c., 6, 7; one hundred copies of, to be deposited in office of secretary of state, 7; number of copies to be preserved for legislature, 5; copies of, to whom to be sent, 4.
- REPORTER** : who to report decisions of supreme court, 6; when may report decisions made by court of appeals, 7; compensation of, &c., 6.
- REPRESENTATIVE** : *in congress* : time and manner of election of, 36; returns of election to whom made, 36; who elected, 36; how commissioned, 36; vacancy in, how filled 36.
in general assembly : (see general assembly.)
- RESOLUTIONS** : in relation to agent to locate university and school lands, 51; in regard to printing the laws of general assembly, 51; respecting the boundaries of the state, 51, 52; respecting terms of office of members of present general assembly, 52; in relation to selection of public lands under act of congress, 52; in relation to postponement of sales of public land, 52, 53; in relation to constructing levee at St. Marks, 53, 54; in respect to certain accounts against the united states, 54; in relation to report and resolutions of state of Connecticut, 54; respecting losses in seminole war, 55, 56; respecting port of delivery at Cheseehowiska, 56, respecting books, &c., of auditor and treasurer of territory, 56, 57; respecting services of militia in Duval county in 1838, 57.
- RETAILER** of spirituous liquors ; state tax on, 22.
- REVENUE** : (see taxes.)
- SANTA ROSA county** ; reorganization and boundary of, 37, 38 ; election and appointment of officers, 38.
- SCHOOL LANDS** : re-location of 16th sections, how and when 40 ; governor to contract with agent to locate, 51 ; resolution asking congress to permit the location of 16th sections in a certain manner, 52,
- SEAL** of state : in whose custody and keeping, 3 ; be seal of secretary of state, 4 ; copies certified under, &c., 4.
- SECRETARY** of governor : how appointed and term of office, 7 ; to attend daily at capitol and perform duties, &c., 7 ; shall have charge of capitol and capitol square, 7 ; salary, 7.
- SECRETARY** of state : election of, 3 ; his salary, when paid, 3, 21 ; residence and office, 3 ; his fees, 3 ; when not to charge fees, 3.

SECRETARY of state : (continued.)

duties of : shall perform duties prescribed by constitution, 3 ; those pertaining to office of secretary of territory, 4.

shall have custody, of the constitution of state, 3 ; of the great seal of state, 3 ; of the original statutes, 3 ; of the resolutions of General Assembly, 3 ; of official correspondence &c., of governor, 3 ; of all books, papers, &c., belonging to office of secretary of territory, 4 ; of books, journals &c., belonging to Legislative Council of territory, 4 :

registry and index : shall make and keep registry of, and index to, all official letters documents &c., received by himself or governor.

record and index : shall record and index chronologically, all official letters, documents &c., of governor, 3, 4 ; all commissions, 34 ; oaths of persons commissioned, 34 ; and their acceptance, 34.

seal of office : to be the seal of State, 4 ; copies certified under, &c., 4.

laws, journals and reports : shall contract for publication of laws, 51 ; number of copies to have printed, 51 ; shall furnish copy of laws and resolutions to attorney general immediately &c., 5 ; what number of journals shall send to clerks of circuit courts, 4 ; to whom shall furnish copy of state reports, 4 ; shall take receipts for, from each furnished, 5 ; what number of reports shall reserve for legislature, 5.

books and maps : shall collect books and maps belonging to state, 35 ; how shall dispose thereof, 35 ; amount authorized to expend for book-cases and binding, 35 ; shall have charge of executive library, 35.

election of representative in congress : returns to be made to, 36 ; when to count the same, 36 ; who to certify as elected, 36.

SECRETARY of Territory : *office of :* all books, papers, files, records &c., belonging to, to be in custody of secretary of state, 4.

SEMINARY of learning : location of land granted by congress for, 40, 51.

SEMINOLE WAR : memorial to congress, respecting losses in, 55, 56.

SENATORS : how vacancy in United States Senate filled, 37 ; in General Assembly : (see General Assembly.)

SHERIFF : when and how elected, 10 ; term of office, 10 ; fees, 11, 13 ; who disqualified from being, 26 ; when to be dismissed from office, 26.

bond : to give bond, 10 ; how approved and conditions, 10, 11.

powers and duties, the same as the marshals and sheriffs of territory, 11 ; to be executive officer of circuit courts, 11 ; sheriff of Leon to be executive officer of supreme court, 13 ; may appoint a deputy or deputies, 11, 13 ; shall by himself or deputy serve all process of circuit courts, 11 ; sheriff of Leon shall by himself or deputy serve all process of supreme court, 13.

until election : present sheriffs to perform the duties &c., 11.

when to perform duties of assessor : when assessor fails to execute his bond, 25 ; when from any cause the taxes are not assessed by first day of March, 25 ; duties of, as assessor, 25 ; compensation for assessing, 25 ; to assess property omitted or neglected by assessor, 30.

when to take census : in case assessor neglects to take census, sheriff to do so, 26 ; compensation for taking census, 27.

tax collector : sheriff ex-officio tax collector, 26 ; (see taxes.)

SHOWS and exhibitions : state tax on, 22 ; license to be had, 22

SLAVES : state tax on, 21.

SMITH, Buckingham : resolution in favor of, 51.

SOLICITORS : powers and duties of, 11 ; fees, 11 ; salary, 11 ; when paid, 11, 21 ; to approve bond of clerk of circuit court, 10 ; to approve bond of sheriff, 10 ; duty of, upon failure of tax collector to settle his accounts, 31.

STATUTES ; original : to be in whose custody, 3.

ST. LUCIA, county of : re-organization and boundary of, 37, 38 ; election, &c., of officers, 38.

ST. MARKS : resolution asking of congress appropriation to construct levee at, 53, 54.

SULKEYS : state tax on, 22.

INDEX TO LAWS.

ADMINISTRATION: *letters of*, to be granted by judge of probates, 14; copies of, authenticated under seal of judge of probates to be evidence, 14; to be recorded by judge of probates, 14; Clerk of county court to turn over to judge of probates all papers relating to, 14.

ADMINISTRATORS: property sold by, at auction exempt from tax, 22.

ALLEYS, Ten pin; state tax on, 22.

APPEALS: Rules and laws regulating, 12; from judgments rendered by superior court of territory, to be returned to, and tried by supreme court, 14; from decisions of judge of probate, 14.

APPROPRIATIONS: for book cases and binding, 35; for pay and mileage of members of general assembly 45 to 49; to furnish offices in capitol, 50; to pay clerk of house of reps., 49; to pay clerk of senate, 49; to pay serg't at arms of house of reps., 49; to pay do. of senate, 49; to pay door keeper of house of reps. 49; to pay messenger of senate, 49; to pay for stationary, &c., 50; to pay printer of house of reps., 50; to pay printer of senate, 50; in favor of post master at Tallahassee, 50; to pay Edward Bolon's account, 50; to pay W. Blount, 50; to pay Betton & Meginniss, 50; to pay C. DeWaal, 50.

ASSESSOR, of the Revenue; When and how appointed, 23.

bond, to give bond, 23; how approved, 23; where filed, 23, 26; how prosecuted, 23; oath of, 23.

duty of, to assess and list all taxable property immediately after first January in each year, 23; to seek out and assess all taxable property, 25; to list and assess taxable property coming into county between first day of January and first day of March, 25; when to list and assess taxable property the present year, 23.

when to make returns, on or before first day of March in each year, 23; when the present year, 23.

returns how made; to make three books, alphabetically of all taxable property, 23; to send one to comptroller, 23; to deliver one to sheriff, 23; the other to board of county commissioners, 23; last column of book to state amount of taxes of each person, 24.

acts of, before qualified, to be void; 23; penalty for so doing, 23.

property how listed and assessed: each person to deliver to, a full list of property which they have in their own right or otherwise, 24; what list handed to assessor shall contain, 24; list to be sworn to, 24.

who to be assessed: holders of property in their own right or otherwise on first of January in each year, 23—24; persons selling property after first of January, 24.

penalty for making false list and books of assessment, 25; when to impose a double tax, 23, 24; when sheriff to perform duties of, 25; compensation of, and how paid, 25, 26; when compensation to be withheld or forfeited, 26.

AUCTION SALES: state tax on, 22; of property sold under execution or decree exempt from, 22; of property belonging to state or county exempt from tax, 22; by an executor, administrator or guardian exempt from tax, 22.

AUDITOR, of Territory; comptroller to perform duties of, 18; to have custody of books &c. of, 18; resolution respecting books &c. of, 56—57.

ATTORNEY GENERAL: his salary, 5; when paid 5, 21; residence, fees and office, 5.

duty of, shall perform duties prescribed by constitution, 5; and by law or resolution of the general assembly, 5.

written opinion and legal advice; when he shall give, 5.

appearance in behalf of state; shall appear in supreme court, 5; when required by law, in other courts of state, 5; in courts of other states, 5; and in courts of united states, 5. *general assembly*, shall attend session of, and prepare necessary forms, &c., 5.

ATTORNEY GENERAL : (continued.)

relative to the laws : shall superintend the publication of, 6; shall make marginal notes for, and index of, 6; shall report to governor operation of, 5; and decisions on, 5; sec. of state to furnish copy of law immediately upon its passage, 6.

official acts and proceedings : shall record and make index, 6; record and index subject to inspection of governor, 6; and disposition of general assembly, 6.

shall report : decisions of supreme court, 6; how to have reports published, 6; when may report decisions of court of appeals, 7; compensation for reporting, 6.

shall publish : rules of practice adopted by supreme court, 12.

may appoint a deputy, 6; when guilty of a misdemeanor, 6; may with comptroller prepare forms of papers vouchers, &c., 18; to approve bond of comptroller, 16; to approve bond of clerk of supreme court, 13; duties of, relative to certain banks, 41; duty relative to boundaries of state, 51, 52.

BANKS : duty of attorney general relative to Union, Life & Trust, and Pensacola, 41.

BANK AGENCIES and BANK STOCK : state tax on, 22.

BENTON county : re-organization and boundaries of, 37, 38; when and where spring and fall terms of circuit courts for, to be held, 9, governor to appoint officers for, 38; how county officers elected and appointed, 38.

BETTON & Meginniss : appropriation to, for articles furnished general assembly, 50.

BILLIARD tables : state tax on, 22.

BONDS : how approved until election of county commissioners, 33.

BOOKS : those belonging to state to be collected and disposed of, 34; appropriation for cases and binding, 35.

BOUNDARY of state : duty of attorney general relative to, 51; duty of gov. relative to, 51.

BRANDS and marks : non residents driving cattle into state for range to have marks and brands recorded 23; penalty for neglecting or refusing to do so, 23.

CALHOUN county : county seat how selected, 39; election of commissioners to select, 39; qualification to vote for commissioners, 39; when selected notice to be given judge of superior court, 39; where court to be held until county seat is selected, 39.

CARRIAGES : state tax on four wheeled pleasure carriages, 22.

CATTLE : state tax on, belonging to citizens of this state, 23; state tax on, belonging to non-residents, 23; marks and brands of, belonging to non-residents to be recorded, 23; penalty if non residents refuse or neglect to have it done, 23.

CENSUS : when, by whom and how taken, 26; assessor to send one copy of, to sec. of state, 26; assessor to deposit one copy with board of county commissioners, 26; compensation for taking, and how paid, 26; when sheriff to take census, 26, 27; compensation allowed sheriff for taking, 27.

CHEESEHOWISKA ; resolution respecting port of delivery at, 56.

CLERK, of circuit court, when and how elected, 10; term of office, 10; Bond, 10; how approved and condition thereof, 10; powers and duties, 10; to what penalties liable, 10; seal of office, 10; how elected when court holden for more than one county, 10; until elected clerks of superior courts to perform duties, 11; clerks of superior courts to deliver over to, all papers, records, files, dockets, &c., 11; to deliver inspectors of election copy of journals of general assembly, 4; to register alphabetically names of qualified voters, 36; fees of, 10.

of supreme court, how to be elected, 13; term of office, 13; bond, how approved and conditioned, 13; and where filed, 13; may appoint a deputy or deputies, 13; clerk of court of appeals to deliver to, all dockets, records, seal, &c., 13; fees of, 13; office where to be 13.

of superior and county courts of territory ; [see courts, superior and county.]

CLISBY, Joseph : appropriation for, 50.

COMMISSIONS : who to be re-commissioned, 33 ; form of, 33 ; to be recorded and endorsed by secretary of state, 34 ; oath of office to be endorsed on, 34 ; letter of acceptance and

COMMISSIONS : (continued.)

oath to accompany, 34; acceptance and oath to be signed and subscribed and returned to secretary of state, 34; when to fill vacancy, expires, 34; when expires when term of office not prescribed, 34; to fill vacancy in the United States senate, 37; to representative in Congress, by whom granted, 36.

COMPTROLLER, of public accounts: how elected, 16; his residence and office, 16; salary 19; when paid, 19, 21.

bond : shall give bond 16; condition thereof, and how approved, 16; where filed, 16; and recorded, 16.

powers and duties of : shall examine, audit, &c., all claims, accounts &c., against the state, 16; of officers of the state, 16; against any person or corporation indebted to the state, 16; shall make report thereon, 16; may require claimant or proxy to answer under oath, 16; and may administer the oath, 16; shall make monthly returns to Governor, 17.

as auditor of Territory : shall exercise powers and perform duties of auditor of territory, 18; shall have the custody of the books, &c., of auditor of territory, 18; shall keep his acts and proceedings as, separate from those of, 18; shall examine accounts and returns of officers of the Territory, 18; and of other persons indebted thereto, 18; shall examine and report on claims and demands by, and against the Territory, 18.

in relation to money due state : shall institute proceedings to collect all moneys due the state from officers of the state, 16; from other persons in anywise indebted to state, 16; or from corporations, 16.

moneys due the Territory : shall collect all moneys due territory from officers thereof or others, 18.

fines and forfeitures : shall make strict enquiry into all fines, forfeitures, recognizances due territory from district attorneys, 18; from clerks, 18; from marshals, 18; and other persons, 18.

in relation to tax collectors : shall settle accounts of tax collectors, 31; shall allow tax collectors credits, certified by board of county commissioners, 31; shall allow tax-collector such over-charges and insolvencies as certified to by board of county commissioners, 30; when and how to put bond of tax collectors in suit, 31.

report of : shall make annual report to governor on the first day of November, 17.

on claims, &c. : shall refer to act or resolution and section thereof, upon which claim is founded, 16; shall state name of original claimant, and the transferees and evidence, 16; shall be recorded by, with accounts, vouchers and evidence, 16; shall be handed over to treasurer with original papers, vouchers and evidence, 16; shall be numbered chronologically, 16;

warrants of : never to issue until authorized by law, 17; to be issued for so much of claim as allowed, 16; to be recorded, 16; to be numbered chronologically, 17; shall state name of original claimant and transferees, 17; shall state head of expenditure to which chargeable, 17; amount to be stated in words, 17; shall be compared by committee appointed to examine treasury, with law under which drawn, 20.

record and index : shall make and keep, of all official acts and proceedings, 16; of all official letters, communications &c., received by him, 16; and of his disposition thereof, 16.

books &c., of, to be always open to inspection of Governor, 17; or person appointed by him, 17; to be annually examined by committee, 17, 18; committee to report condition thereof, 18.

seal of office, 17; copies certified under, 18.

departure from state : when considered a resignation, 18; vacancy how filled, 18.

comptroller ad interim, when appointed, 19.

miscellaneous : to audit accounts of printers of General Assembly, 50; to issue his warrant for sum due, 50; when to issue warrant to printer of laws, 51; to issue his warrants for sums specified in appropriation bill, 50; may, with attorney general prescribe forms of returns, vouchers &c., 18; to make examination of books &c., of auditor, 56.

CONNECTICUT, resolutions of, resolutions relating to, 54.

CONSTABLES : how appointed, 15; duties and term of office, 15; bond of, 15; how approved, 15; where to be filed, 15.

CORONER : when to act, 11; when elisor to act instead of, 11.

COTTON, exempt from taxation, 22.

COUNTY COMMISSIONERS : board of, how elected, 32; term of office, 32; to take oath, 33; how removed, 33; pay of, 32, 33.

powers and duties of : to perform all duties and have all powers county court had when sitting for county purposes, 32.

in relation to revenue : when to examine list of over charges and insolvencies, 30; may relieve from improper taxes and over charges, 30; shall certify to comptroller all over charges and improper taxes allowed by them, 30; shall transmit to comptroller bond of assessor, 23, 26; and of tax collector, 26; when may withhold or forfeit compensation of assessor, 26; may certify compensation of assessor in settlement of sheriff's account, 30;

sessions of : when and where held 30; special session when, 30.

who president of : judge of probate a member and president, 33; who to preside in absence of judge of probate, 33.

quorum : what number a quorum, 33; quorum of, to order election of justices of the peace, 15.

record : shall keep a record of its proceedings, 33; by whom kept, 33.

county tax : when to levy a county tax, 31; how to be levied, 32.

bonds : until election of, who to approve bonds, &c.

COURTS; CIRCUIT : *western district* : how composed, 8; spring terms of, when and where held—fall terms, when and where held, 8; where judge of, to hold his first term, 9; his second, 9.

eastern circuit : how composed, 8; spring and fall terms of, when and where held, 9; where judge of to hold his first term, 9; his second &c., 9;

middle circuit : how composed, 8; spring and fall terms of, when and where held, 9; where judge of, to hold his first term, 9; where his second 9.

southern circuit : how composed, 8; spring and fall terms, when and where held, 9; where judge to hold his first term, 9; where his second, 9.

Hillsborough county : spring and fall terms for, when and where held, 9.

Benton county : spring and fall terms for, when and where held, 9.

jurisdiction : to have and exercise original and appellate jurisdiction conferred by constitution, 9; and of the superior and county courts of territory 9.

rules, practice, &c., to be same as in superior and county courts of territory, 10; of the court of appeals, 10, 12.

cases to be transferred to : cases in the superior court of territory, 9; in the county courts of territory, 9; all papers relating thereto, 9; all motions, writs, &c., in superior, and county courts, 9.

cases transferred : to be proceeded in without delay, 9.

writs issued by superior and county courts to be returned to, 10:

Judges of : salary 8; manner in which to alternate, 9; how often to hold court in same circuit, 9; sickness or death of, 9; when unlawful for to try a cause, 11; when may appoint an *elisor*, 11; to approve of bond of sheriff, 10; of clerk of, 10; when deduction to be made from salary of, 13; Duty of, upon application of solicitor for rule against defaulting tax-collector, 31; duty of, in case of disagreement between U. S. and owner of land sought to be purchased for forts, magazines, &c., 43.

clerk of : (see clerk of circuit court.)

executive officer of : to be sheriff, 11; by whom duties to be performed until election of sheriff, 11.

appeals and writs of error : laws regulating, 12.

SUPERIOR : (of the territory,) *duty of clerks of* : to turn over to clerk of circuit court all papers, pleadings, files, records, &c., 11; seal of office, 11; penalty for refusal or neglect 11; when to perform duties of clerks of circuit courts, 11.

cases and motions pending in : to be transferred to circuit court, 9.

writs issued by : to be returned to circuit courts, 10.

rules and practice of : to apply to circuit courts, 10, 12.

COUNTY : (of the territory,) *duties of clerks of* : to turn over to clerk of circuit court all papers, files, records, pleadings, &c., 11; penalty for neglect or refusal, 11; what papers to turn over to judge of probates, 11.

- FEDERAL** : *what cases transferred to* : cases cognizable by, pending in the superior and county courts of territory, 9, 10 ; cases pending in court of appeals of Territory, 13, 14.
- SUPREME** : jurisdiction of, 12 ; cases pending in court of appeals to be transferred to, 13.
appeals and writs of error : laws regulating, 12 ; heretofore granted by territorial courts to be returned to, 14 ; and tried by, 14.
rules of, to be those of court of appeals, 12 ; when new rules for, and the circuit courts shall be made, 12 ; when new rules submitted to General Assembly, 12 ; how to be published, 12.
sessions of : when and where to be held 12 ; special session when, &c., 12 ; when first session to be held, 12.
chief justice : how elected, 12 ; how long to preside, 12 ; who to preside in his absence 12.
quorum : what shall constitute, 13 ; non-attendance of a quorum, 13.
written opinion, to be filed by justices, in each case, 13.
non-attendance : penalty for, 13.
clerk of : (see clerk of supreme court.)
executive officer of, to be sheriff of county where supreme court holden, 13 ; shall attend sessions of, 13 ; may appoint a deputy, 13 ; shall by himself or deputy serve all process of, 13 ; fees of, 13.
seal of, to be seal of court of appeals, 13.
- DOCTORS** : state tax on, 22.
- DOWER** : decrees for assignment and admeasurement of, to be recorded by judge of probates, 15.
- EDUCATION** : lands granted by congress for, how located, 40, 51 ; money received under act of congress of 3d June, 1836, inviolably pledged to, 40.
- ELECTION** : *for representative in congress* : time and manner, 36 ; returns of to whom made, 36 ; special, to fill vacancy, 36 ; when, how and by whom ordered, 36, 37 ; who elected 36.
for members of general assembly : duties and powers of judge of probates in relation to, 37 ; returns of, to whom made, 37 ; to fill vacancy, when and by whom ordered, 37 ; manner of, 37.
called or special elections : when to take place, 37.
county and general : powers and duties of Judge of probates in relation thereto, 37.
- ELISOR** : when appointed by judge of circuit court, 11 ; when to act in place of sheriff and coroner, 11.
- EXECUTOR** : property sold by, at auction exempt from tax, 22.
- FEES**, of clerks of circuit court, 10 ; of solicitors, 11 ; of clerk of supreme court, 13 ; of sheriff, 11, 13 ; of judge of probates, 15 ; of secretary of state, 3 ; of attorney general, 5.
- FINES** and forfeitures : (see comptroller.)
- FISCAL YEAR** : when begins and ends, 17 ; when present begins and ends, 17.
- FLORIDA** : assent of to terms of admission into union, 36.
- FLOYD**, Charles R. ; an act to change name of, 39 ;
- GENERAL ASSEMBLY** : *members of* : election to fill vacancy, 37 ; how, when and by whom ordered, 37 ; powers of judge of probate thereto, 37.
resignation of ; to whom made, 37.
compensation of : per diem and mileage, 44.
term of office of present,—resolution declaring, 52 ; appropriation for pay and mileage of, 45, 46, 47, 48, 49 ; laws of, who to contract for publication of, 51 ; under whose direction published, 6 ; number to be printed, 51.
- GOVERNOR** : his residence, 7 ; salary, 7 ; to receive no other compensation, 7 ; may appoint a secretary and clerk of executive department, 7.
official letters, &c. : to deliver copy of, to secretary of state before issuing the same, 4 ; to deliver to secretary of state all received by him, 4.
pardons, &c. : in what cases may grant pardons, &c.
attorney general : may require written opinion and legal advice of, 5 ; in what courts may require attorney general to appear in behalf of state, 5 ; when may ap-

GOVERNOR, (continued.)*attorney general*, (continued.)

point a deputy for attorney general, 6; to lay report of, before general assembly, 6.
vacancies: when may fill vacancies, 34; may fill vacancy in United States Senate, 37;
 may order special election for representative in congress, to fill vacancy therein, 36,
 37; when to fill vacancy created by secretary of state leaving state, 4; when to fill
 vacancy created by comptroller leaving state, 18.

commissions: when commission to fill vacancy expires, 34; who to commission as repre-
 sentative in congress, 36.

laws, &c., to approve contract for publication of, 51; when printed to be submitted to his
 approval, 51.

boundary of state: to correspond with governors of Georgia and Alabama relative to, 52.

miscellaneous: to appoint officers for Wakulla, Santa Rosa, Levy, St. Lucie, Marion, Ben-
 ton and Orange counties, 38; when to cede jurisdiction to United States over lands
 purchased for forts &c., 44; to obtain from U. S. treasury money coming to state un-
 der act of congress of June 3, 1836.

GUARDIAN: property sold by, at auction exempt from tax, 22.

GUARDIANSHIP: letters of, how granted, 14; papers relating to, to be turned over to judge
 of Probate, 14; letters of &c., to be recorded, 14.

HAWKERS: (see pedlars.)

HILLSBOROUGH county; where circuit court to be held, 9; spring and fall terms for, where
 held, 9.

INN-KEEPERS: state tax on, 22.

INSPECTORS of election: by whom appointed, 37; when to make list of qualified voters,
 36; to whom to transmit it, 36.

INSURANCE companies: state tax on, 22.

JENCKES, E. T.: resolution in favor of, 54.

JOURNALS, of General Assembly: a copy to be sent to clerks of circuit courts, 4; to the in-
 spectors of election at each precinct, 4; expense of transportation, 4;

JUDGE of circuit court: (see courts, circuit.)

JUSTICES of the peace: when and how elected, 15; by whom election ordered, 15; when
 Governor may appoint, 15.

JUSTICES of supreme court: (see court, supreme.)

KEY WEST; a certain act relating to mode of punishment, &c. at, repealed, 40, 41; assent
 of the state, to the purchase by united states of certain lands on Island of, 42; jurisdic-
 tion of the lands so purchased, 42.

LAND: state tax on, 21.

public: assent of state to laws of congress relative to, 36; resolution requesting postpone-
 ment of sales of, 52, 53.

LAWYERS: state tax on, 22.

LEVY, county: reorganization and boundary of, 37; election and appointment of officers, 38.

LIBRARY: books belonging to not to be taken out of the capitol, 35.

catalogue: by whom and when made, 35; appropriation for, 35.

executive; in whose care and custody, 35.

judicial; in whose care and custody, 35.

legislative; in whose care and custody, 35.

MAPS: belonging to state by whom collected, and how disposed of, 35.

MARION, county: re-organization and boundary of, 37, 38; election &c., of officers, 38.

MARKS and brands: (see brands and marks.)

MARSHALS, (of territory,) to turn over to sheriffs, all records, writs, executions, &c., 11;
 penalty for neglect or refusal, 11.

MELLONVILLE: to be county site for orange county, 39.

- MERCHANTS** ; state tax on, 21, 22; state tax on commission merchants, 22.
- MINORS** : order for sale of real estate belonging to, to be recorded, 15.
- MONEY** : state tax on, loaned at interest, 22.
- NEGROES** ; *free* : state tax on, 21.
- ORANGE county** : re-organization and boundary of, 37, 38; county site 39; election and appointment of officers, 38.
- ORPHAN'S FUND** : resolution respecting, 57.
- PEDLARS and hawkers** : state tax on, 22; what ones exempt from tax, 22.
- PROBATES** ; *Judge of* : how appointed and term of office, 14; where to hold his courts, 15; fees of, 15.
powers and duties of, the same as judge of county court—court when, &c., 14; shall discharge duties of a court of ordinary, 14; of what he shall make and keep record, 14, 15; shall approve of bonds of constables, 15; shall approve other bonds until election of board of county commissioners, 37; shall transmit to governor copies of resignations of members of general assembly, 37.
appeals from orders or decisions : how taken and to what court, 15.
seal of office : shall have, 14; when to use private seal, 14; copies certified under, &c. 14.
elections: powers of in relation to ordering county and general, 37; when to order election to fill vacancy in general assembly, 37; where returns to be made to, 37; to order election of justices of the peace, 15.
records : shall make index to, 15; shall be open to inspection, 15.
board of county commissioners : shall be a member and president of, 33; shall keep a record of proceedings of, 33.
- READ** ; Leigh : resolution in favor of, 54.
- REPORTS** ; state : number of copies to be printed and how, 6; copy-right of, &c., 6, 7; one hundred copies of, to be deposited in office of secretary of state, 7; number of copies to be preserved for legislature, 5; copies of, to whom to be sent, 4.
- REPORTER** : who to report decisions of supreme court, 6; when may report decisions made by court of appeals, 7; compensation of, &c., 6.
- REPRESENTATIVE** : *in congress* : time and manner of election of, 36; returns of election to whom made, 36; who elected, 36; how commissioned, 36; vacancy in, how filled 36.
in general assembly : (see general assembly.)
- RESOLUTIONS** : in relation to agent to locate university and school lands, 51; in regard to printing the laws of general assembly, 51; respecting the boundaries of the state, 51, 52; respecting terms of office of members of present general assembly, 52; in relation to selection of public lands under act of congress, 52; in relation to postponement of sales of public land, 52, 53; in relation to constructing levee at St. Marks, 53, 54; in respect to certain accounts against the united states, 54; in relation to report and resolutions of state of Connecticut, 54; respecting losses in seminole war, 55, 56; respecting port of delivery at Cheseehowiska, 56, respecting books, &c., of auditor and treasurer of territory, 56, 57; respecting services of militia in Duval county in 1838, 57.
- RETAILER** of spirituous liquors ; state tax on, 22.
- REVENUE** : (see taxes.)
- SANTA ROSA county** ; reorganization and boundary of, 37, 38 ; election and appointment of officers, 38.
- SCHOOL LANDS** : re-location of 16th sections, how and when 40; governor to contract with agent to locate, 51; resolution asking congress to permit the location of 16th sections in a certain manner, 52,
- SEAL** of state : in whose custody and keeping, 3; be seal of secretary of state, 4; copies certified under, &c., 4.
- SECRETARY** of governor : how appointed and term of office, 7; to attend daily at capitol and perform duties, &c., 7; shall have charge of capitol and capitol square, 7; salary, 7.
- SECRETARY** of state : election of, 3; his salary, when paid, 3, 21; residence and office, 3; his fees, 3; when not to charge fees, 3.

SECRETARY of state : (continued.)

duties of : shall perform duties prescribed by constitution, 3 ; those pertaining to office of secretary of territory, 4.

shall have custody, of the constitution of state, 3 ; of the great seal of state, 3 ; of the original statutes, 3 ; of the resolutions of General Assembly, 3 ; of official correspondence &c., of governor, 3 ; of all books, papers, &c., belonging to office of secretary of territory, 4 ; of books, journals &c., belonging to Legislative Council of territory, 4.

registry and index : shall make and keep registry of, and index to, all official letters documents &c., received by himself or governor.

record and index : shall record and index chronologically, all official letters, documents &c., of governor, 3, 4 ; all commissions, 34 ; oaths of persons commissioned, 34 ; and their acceptance, 34.

seal of office : to be the seal of State, 4 ; copies certified under, &c., 4.

laws, journals and reports : shall contract for publication of laws, 51 ; number of copies to have printed, 51 ; shall furnish copy of laws and resolutions to attorney general immediately &c., 5 ; what number of journals shall send to clerks of circuit courts, 4 ; to whom shall furnish copy of state reports, 4 ; shall take receipts for, from each furnished, 5 ; what number of reports shall reserve for legislature, 5.

books and maps : shall collect books and maps belonging to state, 35 ; how shall dispose thereof, 35 ; amount authorized to expend for book-cases and binding, 35 ; shall have charge of executive library, 35.

election of representative in congress : returns to be made to, 36 ; when to count the same, 36 ; who to certify as elected, 36.

SECRETARY of Territory : *office of :* all books, papers, files, records &c., belonging to, to be in custody of secretary of state, 4.

SEMINARY of learning : location of land granted by congress for, 40, 51.

SEMINOLE WAR : memorial to congress, respecting losses in, 55, 56.

SENATORS : how vacancy in United States Senate filled, 37 ; in General Assembly : (see General Assembly.)

SHERIFF : when and how elected, 10 ; term of office, 10 ; fees, 11, 13 ; who disqualified from being, 26 ; when to be dismissed from office, 26.

bond : to give bond, 10 ; how approved and conditions, 10, 11.

powers and duties, the same as the marshals and sheriffs of territory, 11 ; to be executive officer of circuit courts, 11 ; sheriff of Leon to be executive officer of supreme court, 13 ; may appoint a deputy or deputies, 11, 13 ; shall by himself or deputy serve all process of circuit courts, 11 ; sheriff of Leon shall by himself or deputy serve all process of supreme court, 13.

until election : present sheriffs to perform the duties &c., 11.

when to perform duties of assessor : when assessor fails to execute his bond, 25 ; when from any cause the taxes are not assessed by first day of March, 25 ; duties of, as assessor, 25 ; compensation for assessing, 25 ; to assess property omitted or neglected by assessor, 30.

when to take census : in case assessor neglects to take census, sheriff to do so, 26 ; compensation for taking census, 27.

tax collector : sheriff ex-officio tax collector, 26 ; (see taxes.)

SHOWS and exhibitions : state tax on, 22 ; license to be had, 22

SLAVES : state tax on, 21.

SMITH, Buckingham : resolution in favor of, 51.

SOLICITORS : powers and duties of, 11 ; fees, 11 ; salary, 11 ; when paid, 11, 21 ; to approve bond of clerk of circuit court, 10 ; to approve bond of sheriff, 10 ; duty of, upon failure of tax collector to settle his accounts, 31.

STATUTES ; original : to be in whose custody, 3.

ST. LUCIA, county of : re-organization and boundary of, 37, 38 ; election, &c., of officers, 38.

ST. MARKS : resolution asking of congress appropriation to construct levee at, 53, 54.

SULKEYS : state tax on, 22.

TAVERN KEEPERS: state tax on, 22.

TAX COLLECTOR: (see taxes.)

TAXES: STATE: when and on what assessed and collected, 21, 22.

property exempt from: belonging to religious denominations—to charitable institutions 21; to public schools, 21; and lands belonging to united states, 21, 44.

how listed and assessed: [see assessor of revenue.] who to assess and list, 23; duty of assessor, 23; when and how taxable property to be assessed and listed, 23; when the present year, 23; persons having property in their own right or otherwise, to hand assessor a list, &c., 24; property to be assessed and listed in county in which it lies—where property lies in another county, 24 25; where county line runs through, 25; what list handed assessor s all contain, 24; list to be sworn to, 24; penalty for refusal or neglect to hand assessor list, 24; property without owner, how assessed, 29; who to assess property omitted or neglected by assessor, 30; property coming into county between, &c., to be assessed, 25.

payment of, &c.: persons owning property on first day of January to pay tax, 24, to be paid to sheriff on or before the first day of October, 28; when the present year, 32; sheriff's receipt shall contain what, 29; penalty for neglecting or refusing to pay, 28.

lien of tax: shall be a lien on real estate in county from 1st day of January, 29; shall be preferred to all other incumbrances 29.

double tax: when imposed on cattle, 23; when to be imposed on other property, 24, 25.

over charges and improper taxes: how relieved against, 30.

TAX COLLECTOR: sheriff shall be ex officio tax collector, 26; oath of tax collector, 26; compensation for collecting taxes, 30, 31.

bond of: shall give bond, 26; how approved and condition of, 26, where to be filed, 26; to be in addition to official bond of sheriff, 26; how prosecuted, 31; certified copy of to be evidence, 31; how judgment to be entered on, 31; not to be void on first recovery, 31; penalty for collecting taxes before giving, 26.

how and when to collect taxes: shall receive and receipt for, assessor's book, &c., 27; when to proceed to collect taxes, 27; shall attend muster ground and election precincts, 27; shall give notice of attendance, 27; how to collect taxes of person removing from one county to another, 30; compensation for such collection, 30; when shall collect the present year, 32.

distress and sale: when shall make distress of property of delinquents, 28; to take and sell goods and chattels first, 28; notice in case of sale of personal property, 28; in case of real estate, 28; in case of real estate belonging to non-residents, 28; what the notice shall contain, 28; place and manner of the sale, 28; compensation for advertising and selling, 28; when shall make distress and sale of property of persons about to remove, 23.

TAX COLLECTOR. *Deed for lands sold*: sheriff shall make a deed, 29; effect of the deed, 29; what the deed shall recite, 29; when the deed to be recorded, 29; may be proved, 29; how vacated and made void, 29; for making deed, 28.

credits allowed: all overcharges and insolvencies certified to by board of county commissioners, 30; shall be allowed compensation certified for assessor, 30.

settlement of: to make settlement with comptroller on or before fourth Monday in November, 31; when the present year, 31; penalty for failure, 31; duty of comp. on failure, 31.

redemption of lands sold, &c.: when and how land sold may be redeemed, 28, 29; who may redeem, 29; within what time and how, 29.

COUNTY: by whom, on what, and how levied, 32; by whom and how assessed and collected, 32; when to be paid into county treasury, 32; to be regulated by same laws as state tax 32; compensation for assessing and collecting, 32.

CORPORATION: how and on what it may be levied, 32.

TESTAMENTARY letters: how granted, 14; copies under seal of judge of probates, &c., 14; to be recorded, 14; clerk of county court to turn over to judge of probates all papers relating to, 14.

TOWN LOTS: state tax on, 21.

TRADER, itinerant: state tax on, 22; to obtain license and from whom, 22; penalty for failing to get license, 22.

TREASURER: when to enter on duties of office, 20; term of office, 20; salary, 20; when paid, 31; office and when to be open, 20.

TREASURER: (continued.)

bond of: shall give bond, 19; condition and how approved, 19; extent of bond, 19; how may be discharged and delivered up, 19; where to be filed, 19; oath, and where filed, 19.

duties of: to receive moneys paid into treasury, 19; shall pay no money out of treasury except on warrant of comptroller, 19; shall pay warrants drawn by comptroller, 19; when shall exhibit balance in treasury, 20; when shall exhibit receipts and payments, 20; shall pay warrant of comptroller for so much of claim as allowed, 16; shall file report &c., of comptroller, 16.

treasury certificates: when to issue, 16; when and how to pay treasury certificates, 21.

accounts of: when and how examined, 20; when to be closed, 20.

committee to examine: when and how appointed, 20; what shall examine, 20; when and what shall report, 20; shall compare warrants of comptroller with law, &c., 20; shall specify what warrants have been improperly drawn, 20; majority to perform duties, 20.

what shall allow sheriff: compensation allowed assessor, &c., 30; compensation for collecting taxes, 30, 31.

assessor: when shall pay for taking census.

salaries, of officers of Executive department, attorney general and solicitors, when to pay, 21.

TREASURY, (see Treasurer.)

UNITED STATES, authorized to purchase certain lands on the island of Key West, 41, 42; jurisdiction over, 42; authorized to purchase any lands for forts and magazines, 43; how to acquire jurisdiction over, &c., 43, 44; how value of land ascertained, 43; how quantity, 43; officers of state may execute process, &c., 44; lands of, exempt from tax, 41, 44.

VACANCY: (see commission and governor.)

VOTERS: list of qualified, when and by whom to be made, 36; alphabetical list of, to be registered in office of clerk of county court, 36.

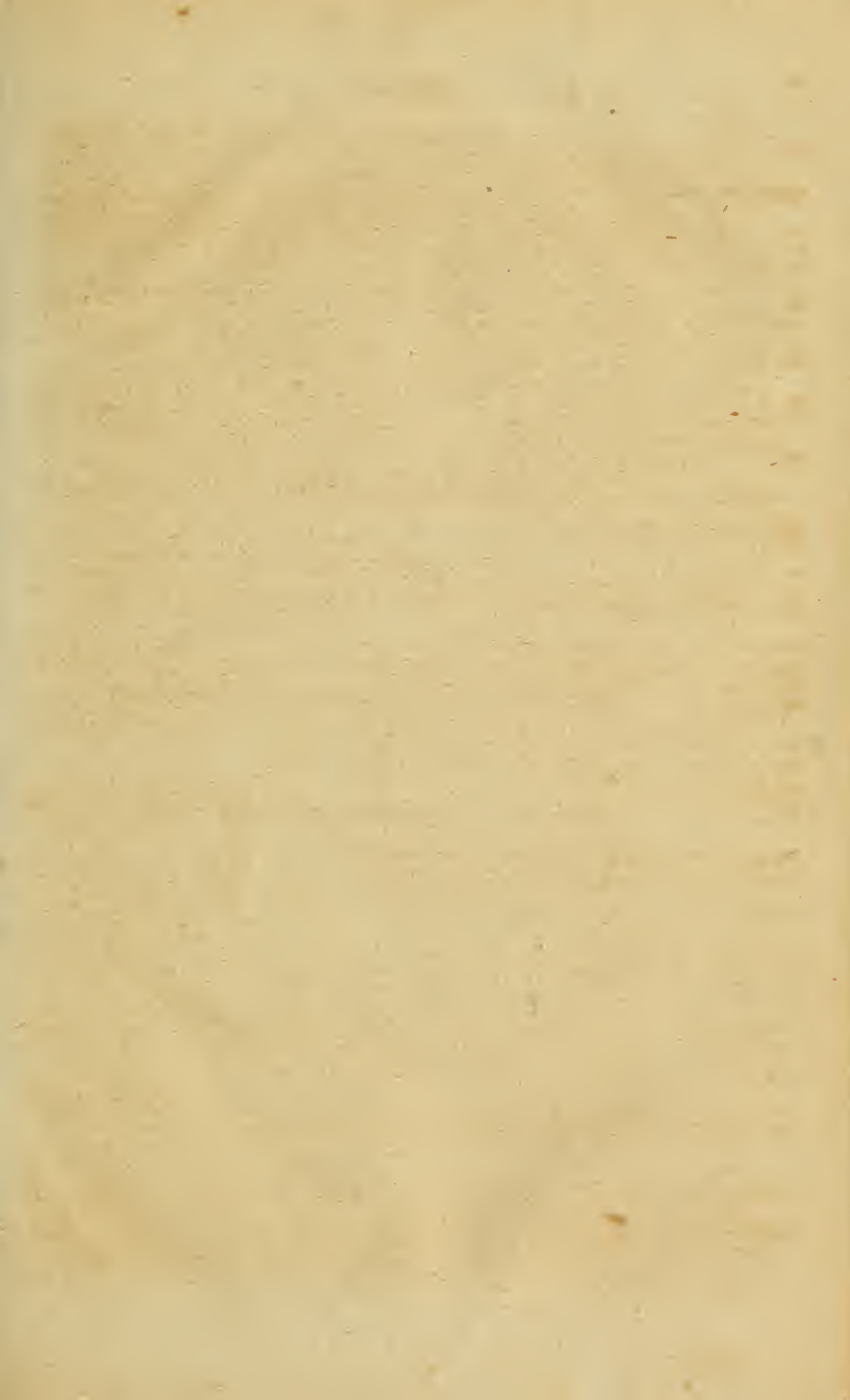
WAKULLA county; re-organization and boundary of, 37, 38; election and appointment of officers, 38; county site, how selected and determined, 38; court house and jail, how contracted for, 38; where courts to be held, 38.

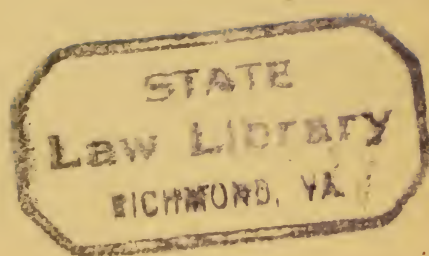
WARRANTS: (see comptroller.)

WHARVES: state tax on, 21.

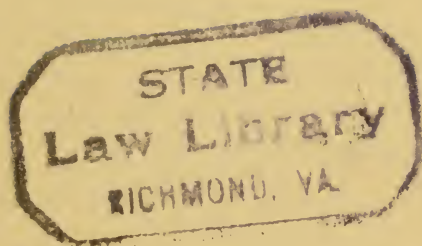
WILLS: how probate of, taken, 14; to be recorded, 14; copies under seal of judge of probate, 14.

WRITS OF ERROR: (see circuit and supreme court.)





STATE
LAW LIBRARY
RICHMOND, VA



STATE
Law Library
RICHMOND, VA

